Acta Sanctae Sedis

Acts of the Holy See

Holy See; Vatican

An English translation of the Latin edition
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[*Latin ed. p. 1*]

ACTS OF THE HOLY SEE, CONCISELY COMPILED AND ILLUSTRATED, BY THE STUDY AND CARE OF VICTOR PIZZESI, DOCTOR OF BOTH LAWS, OR: Legal and more solemn acts emanating directly from the Supreme Roman Pontiff; acts which, meanwhile, can be publicly enacted by law, whether they are Decrees, Instructions, or Responses, and the like; especially, expositions and resolutions of cases from various Sacred Congregations of Cardinals, carefully compiled to promote an accurate understanding and observance of ecclesiastical law; and finally, other legal matters, which suitably illuminate those acts which may present a difficulty, or which further contribute to the knowledge of existing law; for the benefit of those who diligently strive to understand the laws of the Church, and in the governance of Christian flocks, or in the cultivation of the Lord's vineyard.

ROME, FROM THE POLYGLOT PRINTING PRESS OF THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 1901-1902.

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[*Latin ed. p. 3*]

5 FROM THE HOLY CONGREGATION OF THE COUNCIL OF OVIEDO. INDULGENCE. April 27, 1901. By summary petitions. In the Chapter of the Cathedral Church of Oviedo, by custom, the Canon Theologian or Master enjoys an indulgence from the choral service, except for the attendance at the conventual Mass throughout the preceding week, during which he is obliged to deliver the reading of the Holy Scriptures. Subsequently, this privilege was extended, according to established customs, confirmed by recently published Chapter statutes, favoring those Canons who have the burden of giving attached sermons, a burden imposed by a decree from Regium in the year 1888, in agreement with the Apostolic See. However, for these Canons, the indulgence from the choral service is limited to three days preceding the sermon, whenever it is given in the Episcopal City. Finally, those Canons who voluntarily undertake the burden of giving sermons in the cathedral church enjoy the privilege of the indulgence from the choral service throughout the entire week. — The Bishop reports the following: "The Bishop of Oviedo states with due reverence that in his Cathedral Church, there exists a right, by virtue of

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which the Canon Preacher or Master, and other Canons, are present in the choir on the day they deliver a sermon, as well as for the seven days preceding, until the decision of the Holy Congregation of the Council in Valladolid on April 29, 1899, denying the Canons of this Church a similar practice, caused concern to the Orator, for which reason, wishing to be completely safe in such a serious matter, he submits this consultation to the Holy Congregation of the Council (1)." Summary of the case. (1) *Recole*, Vol. XXXII, 87.

[*Latin ed. p. 4*]

4 FROM THE HOLY GENERAL COUNCIL: "Now, since the practice of this Church of Oviedo has a different basis, and one that appears more solid, it will be worthwhile to briefly explain it, so that the Holy See, as is its custom, may equally and justly decide the matter in our case. " 1. Among the benefices of this Cathedral Church is one that is held by a Master of Ceremonies, as happens throughout Spain, whose specific and special duty is to deliver sermons to the people from the pulpit as often as the Bishop or Chapter may deem fit, in addition to the fixed number of sermons assigned for each year. Regarding this, the Master of Ceremonies speaks in the celebrated Council of Compostela, held in Salamanca in 1565, in Act. 2, chapter 39, where it is discussed the time granted to four canons, who are commonly called "officials," while they are engaged in their proper duties: - It is permitted to the preacher, whenever he is to deliver a sermon, to be absent for eight whole days, provided that he attends the sacrifice of the Mass. - It should also be noted that this Provincial Synod was received throughout the entire Compostelan jurisdiction, and that, with respect to the aforementioned provision, it has been and still is in force in the dioceses of the Province, just as it was in Oviedo. " After these things, it is not surprising that the Capitular Statutes of this Church, in accordance with (as they confess in their preamble) the Council of Trent and the Provincial Synod, recently held in Salamanca in 1588, establish the following regarding this matter in chapter 7: - The Master of Ceremonies is bound to deliver all the sermons that the Chapter orders him to give; and when he is to preach, he has eight days to prepare the sermon, during which time he must be treated in all respects as if he were on leave, provided that he attends Mass each day. " These very ancient regulations were received and confirmed in the new Capitular Statutes of the year 1892 (for these are the ones that immediately follow those of the year 1588, since there are no others), in which § I, chapter V, Part I, states the following regarding the Master of Ceremonies: - The Master of Ceremonies is bound...

[*Latin ed. p. 5*]

OVETENSIS. It is the duty of each member of the Chapter to preach ten sermons annually in this Holy Church, as well as any extraordinary ser-

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mons that the Bishop or Chapter may order. In order that he may properly prepare himself, he is granted the privilege of being present in the choir on the day he is to preach, with the right to participate in all distributions, as well as on the seven preceding days. This is also determined in Part 4, which will be cited shortly. Therefore, the privilege of preaching (for so it is commonly called, the presence in the choir for the purpose of preparing a sermon) which has hitherto been enjoyed by the Canon of this Church of Oviedo, has in its favor: 1. The Provincial Council, which is so highly esteemed among us that in the decree announcing the subsequent Synod of Santiago de Compostela, held in the year 1887, it was said of it that it had had a most beneficial influence, not only on the dioceses of this province, which were numerous at that time, but also on several others in Hispaniae. 2. The ancient statutes of the Chapter of this Church, which for three centuries governed and regulated this venerable Church, which was directly subject to the Apostolic See until the year 1851. 3. The new statutes of the Chapter, confirming what the former had established. 4. And furthermore, it is abundantly evident from the most ancient practice, that is, from the custom, which extends back at least three hundred and thirty-five years, that during this long period, the Canon has peacefully, and without any contradiction or complaint, used the right of the Province and Diocese, which defines this custom, and which, according to the best of rights, ought rightly to be called legitimate, without any other impediment in the matter, which would rather enhance its validity. 2. By the most recent law introduced by the Royal Decree, concordant with the Apostolic See, and promulgated on December 6, 1888, by virtue of which, certain canonries of Churches, Cathedrals, and Collegiate institutions require prior agreement.

[*Latin ed. p. 6*]

6. From the decrees of the Council, it appears that certain obligations are imposed upon these [Canons], among which is the requirement that some of them, for example, four, hold a certain number of sermons each year, for which, as is evident, they do not receive any remuneration. Therefore, by a certain extension, what was established concerning the "Canonical Magisterial" [Canon] has been applied to them, as is evident from the new Chapter Statutes, Part 4, chapter 7, paragraph 9, in these words: "They enjoy the presence in the choir and receive the customary distributions..." The Canonical Magisterial and the other Canons are present on the day they preach in the Cathedral Church and for the seven days preceding that day. If a true sermon is given in the episcopal city, they are granted three days of presence in the choir. As is evident, neither an older right nor a longer custom can be found for these Canons, which would obligate them, in addition to preaching, to be present for a longer period, since the obligation to preach, imposed upon them, is of recent origin.

3. Finally, there are other Canons who, at times, spontaneously and with-

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out remuneration, give a sermon in the Cathedral Church, which they voluntarily undertake for those days in which, according to ancient custom, preaching is usually held in this Basilica. Regarding these, in addition to the statutory provision mentioned in the preceding paragraph, there exists an ancient custom, according to which what was said about the Canonical Magisterial is also applied to them.

Therefore, setting aside the reasons that are consistent and that favor the practice of this Church, namely, that the abundant and select preaching, which is held with great benefit to the faithful according to ancient custom, should not be lacking, and considering that the most fundamental legal principles have been explained, the question is asked: "Can the practice of the Church of Oviedo be safely maintained, according to which the Preaching Canon, or Magisterial Canon, is considered present in the choir in order to receive the customary distributions for eight full days, each time he is to give a sermon in the Cathedral Church?"

[*Latin ed. p. 7*]

OVIEDO. 7 § II. Can this same practice be applied to Canons who preach by reason of their benefice and without remuneration? § III. Is the same to be said of other Canons who preach not by reason of a benefice, but spontaneously and freely?

Synopsis of Discussion: In Valladolid, the matter was considered by the Bishop of Oviedo, who raised these doubts. I. Is it fitting to establish a custom whereby a Canon Major and other Canons, both those holding benefices and those without, who, by reason of their duty to preach in the Cathedral Church, are present in the choir in order to receive the daily distributions throughout the week, except for one canonical hour in the case of a sermon? And, if negative, II. Is it expedient to grant an indulgence of absence, as requested by the Ordinary, in such a case? The response was: To I, Negative; to II, Affirmative, for two days, for a period of five years.

Indeed, in Valladolid, the ancient custom, which is now in question, was not so clearly established, and the Chapter of Valladolid reported: "According to the statutes of this Holy Church, the Canon Major, on the day of his own sermon, is present in the choir, and nevertheless, the Canon Major and other Canons, both those holding benefices and those without, are bound by the law of residence, throughout the week, except for one canonical hour, before the sermon, whether it be a sermon by duty or out of love of God, and are not present in the choir without the loss of distributions."

However, this custom is widely observed in Spain, and is indeed an ancient one, as is shown by the following passage from the Doctors of Salamanca, *Cursus de Theologia Moralis*, Volume IV, Tractate XIV, on the State of Religious, Chapter IV, number 33: "The third question is: Is the Canon Major, while preaching in his own church, present to receive the distributions? The answer is affirmative, because he is fulfilling the min-

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istry of his prebend, which is for the benefit of the Church. Furthermore, by concession of Gregory XIII and declaration of the Cardinals, not only during the hour in which he preaches, but during all the hours of that day, even..."

[*Latin ed. p. 8*]

"8. Quod si aliquis absentem esse a Concilio Generalis, reputatur ut in Choro praesens, id est, propter actionem valde laboriosam, et quae specialiter praeparationem requirit. Tamen, in quibusdam Ecclesiis viget consuetudo, ut Canonicus Magistralis non solum die quo concionatur reputetur praesens, sed per octo dies antecedentes concioni, quia valde necessarii iudicantur ut debite praeparentur, et absque nimia defatigatione huic muneri, prout decet, satisfaciat; videndum erit quid illa consuetudo in usu habeat? Si enim extenditur, ut non solum pro lucrandis fructibus, sed pro distributionibus illis diebus praesens habeatur, hos et illos licite non assistens lucrari poterit, si solum pro fructibus praesens iudicetur, illos dumtaxat, non distributiones lucrabitur: in hoc standum est consuetudini..."

"Longus vero catalogus facile confici posset DD. qui facile approbant huiusmodi consuetudines, sed in propositum Bened. XIV, dum in Inst. 107 n. 5 aggreditur exponere legitimam praxim servandam Canonicis in servitio chori, haec protestatur: « Porro fatemur non multum laboris in libris evolvendis insumpsisse; nam satis experientia compertum habemus in rebus eiusmodi doceri a Scriptoribus ea quae magis ipsis placuerint. Perpaucis sane omissis, plerique pro Suis sententiis confirmandis decreta Sacrarum Congregationum afferunt, quae nunquam condita fuerunt, aut quae -contrarium probant aut quae peculiaribus rationibus et causis innituntur ita ut generalem legem minime possint constituere etc. »".

"Quare modo recolere praestat, in propositum quae iure communi constituta sunt quaeque authentica Sacrae C. C. interpretatione explanata fuerunt. Sane ius commune quod attinet Cap. unicum de der. non resid. in 6°, quod incipit Consuetudinem, omnino reprobat et districte prohibet consuetudinem tribuendi canonicis et aliis beneficiatis, officiis, in ipsis Ecclesiis non interessentibus distributiones; imo declarat eos, qui aliter distributiones receperint, earum dominium non acquirere, nec eas facere suas, sed teneri ad restitutionem."

[*Latin ed. p. 9*]

9. This [practice] is condemned by Boniface VIII in the cited chapter. He states, "The custom which has arisen, whereby Canons... or Clergy of cathedrals receive daily distributions (which are otherwise called manual benefits or provisions, and are given only to those who reside there), even if they are present in the city or other places, although they do not attend divine services, receive them in full, as if they were continuously serving in those offices within the same churches; this is entirely disapproved of: We decree

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that these daily distributions, whatever they may consist of, be given only to the Canons... of the churches, who are present in the same offices within those churches. Whoever else receives anything from these distributions (except those whom infirmity or a just and reasonable bodily necessity, or evident benefit to the Church, excuses) does not acquire ownership of these things, nor may he make them his own; rather, he is bound to restore everything that he has received contrary to this our decree." Furthermore, the Council of Trent (Session 24, Chapter XII) condemns any custom of this kind, renewing the same prohibition and excluding any collusion or remission. Therefore, the cause for a feigned presence, in order to obtain these distributions, is the benefit of the Church, apart from infirmity or bodily necessity. And for this benefit, it is explained how, according to pontifical law, a Canon Theologian is considered present as if in choir for the entire day that he reads [the Divine Office] (Benedict XIV, *Inst. Eccl.*, 107, § IX - in the case of Milan, in the year 1589, and in the case of Luwien, on June 15, 1622), and a Canon Penitentiary while he hears confessions (Council of Trent, Session 24, on Reform, Chapter 8), as well as a Canon of the Cathedral Church while he performs his parochial duties (Council of Trent, Session 22, Chapter 3, on Reform, and Benedict XIV, *Inst. Eccl.*, I.c., in the case of Milan, February 13, 1639). Furthermore, it is derived from certain jurisprudence that the benefit of the Church is a legal cause, when this is resolved into the benefit of the Chapter, or when it pertains to its persons, or to...

[*Latin ed. p. 10*]

10. From the decrees of the Holy General Council, concerning benefits or rights. Hence, the distribution of alms accrues to Canons who are absent for the business of the Chapter (Benedict XIV, *Institutiones Eccl.*, I, c., in the case of *Panormitana*, in the year 1558, and in the case of *Segub*, in the year 1589). — But it is established that a juridical cause and the benefit of the Church, in which the Benefice resides, do not arise when such benefit tends to the favor of the Bishop, the Diocese, the worship, and the souls, without any relation to the offering or the chapter Mass, to the community of Canons, and to the business of the Chapter. Therefore, the distribution of alms does not accrue to Canons who are present with the Bishop celebrating a private or non-Pontifical Mass, or performing other non-Pontifical functions, or who accompany him in the visitation of the Diocese (Benedict XIV, *Institutiones Eccl.*, I, c., in the case of *Sor.*, April 22, 1679, and in the case of *Sulmonen.*, December 5, 1626; in *A merina*, February 3, 1629; in *Foro Cornelii*, January 25, 1625, *lib.* 12, *Decret.*, p. 253, *a tergo*), nor to the General Vicar of the Bishop (ibid., § X, in the case of *Bitteti*, December 17, 1627, and in the case of *Tanat.*, May 9, 1671), nor to Canons who are examining synodally, nor to Canons who voluntarily celebrate Mass or hear confessions while reciting the canonical hours, as

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can be seen in the cases mentioned therein, and especially relevant is the decree of March 14, 1620, *lib.* 12, *Decret.*, p. 35, namely: "The Holy Congregation responded that Canons, while reciting the canonical hours, cannot absent themselves from the choir to hear confessions or to celebrate Masses for devotion's sake, and that those who absent themselves will lose the distributions for that hour." Furthermore, the following should be noted: — The Sacred Congregation responded that a Theologian who is reading [Scripture] can, by grace, accrue the distributions for the entire day in *Hispalen.*, July 15, 1645, *lib.* 17, *Decretorum*, p. 496; but not on the preceding day in *Avenionen.*, October 1686, in *XV Dub.*, *lib.* 4, *Decret.*, p. 187; nor in *Anagnina*, December 16, 1645, *lib.* 17, *Decret.*, p. 533. Nor is a Canon, as a Theologian, considered present for the purpose of accruing the daily distributions, if he recites the evening prayers of one day for the following day, according to custom.

[*Latin ed. p. 11*]

Oveten. 11 opinions of the Church; in Doubt concerning Chapter 1, Session 5, regarding Refection, paragraph 89. The true question is: Whether a theologian who is present on the days in which he reads should also be considered present at the morning prayers, which, according to the ancient custom of the Church, are recited the evening before for the following day: The Holy Congregation responded: He should not be considered present. In Spain, in the month of December 1587, in book 5 of Decrees, page 71. He truly rejoices in the distributions that are given for anniversaries if they occur on the days in which he reads, in Avignon, in October 1586, in the 17th Doubts, book 4 of Decrees, page 188. And Pignatelli, Volume 3, Consultation 62, number 38, reports that the Holy Congregation, with its Eminences and Reverend Fathers, has decided that if a theologian reads in the morning, he is considered present in the choir with regard to the office that is said before noon; if in the evening, for the evening office; but he adds, "or, at most, for the entire day on which he reads, just as for the entire day on which he is obligated to give a sermon," in Perugia, on the theological day of July 30, 1859, § Contrary. An edict was issued that if several readers are chosen by the Bishop, only one can enjoy this privilege, in Sion, on the theological day of January 24, 1801. Indeed, the Bishop of Sion established a chair of Sacred Theology and the lack of a Canon theologian was sufficiently compensated by three other canons, who received a small salary. Regarding this matter, the Bishop requested that at least one of the Canon Readers be granted the privilege of being present in the choir, according to the Bishop's discretion, which is otherwise due to a Canon theologian when he teaches; or rather, according to the vote of the Chapter, that each of the three Readers or Professors of Sacred Theology be granted the privilege of being present in the choir for at least one month in the year, due to their reading. But the question is: Whether and how a Reader

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or Readers of Theology should be granted the privilege of being absent from the choir and receiving the benefits of a prebend: In this case, the Holy Congregation responded: To the first question, affirmatively, for one reader chosen by the Bishop, who is excused from the choir on the days in which he reads, and who also receives the daily distributions; in...

[*Latin ed. p. 12*]

12 From the Decrees of the Council of Trent, concerning matters of theology, dated January 24, 1801. This is reported by Pallotti, Reverend Canon Theologian, Volume 4, number 445 and following. Finally, the Sacred Congregation recently, with a negative response, dismissed on December 20, 1862, a question entirely similar to ours, which sought to declare such a custom of being absent from the choir for the sake of preaching as legitimate; otherwise, an indulgence for such absence was requested. For in this case, the Canons reported that, according to ancient custom, those of the Chapter who were absent from the choir, due to preaching, received distributions, and inasmuch as such a custom was to be condemned, they requested that at least those of the Chapter who exercised the ministry of preaching within the boundaries of the parish should be permitted to receive such distributions. The Archbishop, however, having removed this limitation, requested that those of the Chapter, preaching in any diocese, should be permitted to receive distributions, and among other things, under number VI, the following doubt was raised: "Whether and how do the Canons who are absent from the choir, being occupied with the ministry of preaching, receive distributions?" The response was: "Negatively, in all cases." And it should be noted that, at that time, the Bishop reported on this matter: "Those who preach the divine word, whether in the Cathedral or in other churches of the city, are considered present on the days in which they have preached... because customarily the pastoral care is located with the Chapter... and they are admitted to the distributions, provided they preach within the boundaries of the parish; because if they go elsewhere, they are always considered absent and subject to attendance." Finally, Fagnanus is to be heard, who in title "De praeb." chapter "Licet" number 71, says: "For this custom is not valid, whether it was introduced before the Constitution of Boniface VIII or after, and the Sacred Congregation has often responded that even an unforgettable custom has been abolished." Unless, of course, it has seemed fitting to your Eminences to adopt a milder opinion, considering the particular circumstances of time and persons. Nevertheless, it is worthy of note, finally, that a custom almost unforgettable...

[*Latin ed. p. 13*]

OVETEN. 15, concerning a Canonical Theologian or Master, but not in such a way to others to whom it has been extended only through a certain interpretation of a privilege. Considering these matters, the question arose

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as to what should be answered regarding the matter. RESOLUTION. The Sacred Congregation of Rites, after discussion on April 27, 1901, decided to respond: The custom inquired about is not to be upheld. BAREN. PRECEDENTS. May 25, 1901. Session 25, Regarding Riez, chapter 13. SUMMARY OF THE CASE. In the city of Mola, in the diocese of Baren, several associations have been established for some time, of which two, namely the Archconfraternity under the title of the Most Blessed Virgin of the Rosary and the other Archconfraternity of the Most Blessed Virgin of Sorrows, have for many years been contending over the right of precedence and seek a definitive judgment. This controversy, as often happens in southern regions, is not only agitated with great passion and contention, but rather originates from a different source of law, from which the members claim the right of precedence, since the members of the Rosary association claim their legal establishment dates back to the year 1400; and the opposing members, although not directly affected by this antiquity, nevertheless believe that they are certainly superior in law, since they obtained royal approval and thus a certain establishment at some time before the opposing Archconfraternity. Synopsis of the Dispute CONCERNING THE RIGHTS OF THE ASSOCIATION OF THE MOST HOLY ROSARY. The advocate who took up the defense of the Archconfraternity of the Most Blessed Virgin of the Rosary, first of all recalls, in such controversies...

[*Latin ed. p. 14*]

From the Most Holy Council, it is established that the constitution of Pope Gregory XIII should be considered, which begins: "It is demanded, and therefore it is decreed, that those confraternities which possess precedence should precede those which do not." However, if this cannot be proven or demonstrated, then those which are older should precede. But in the case of the Archconfraternity of the Most Holy Rosary, according to the advocate, precedence is due, whether considered in terms of "quasi possession" or antiquity.

Regarding "quasi possession," it is confessed that the confraternity of the Most Holy Rosary, until the year 1859, maintained precedence over all other confraternities. On this matter, the advocate presents certain testimonies of witnesses, who, under oath before the Bishop, have testified (atto notorio) – "that the Archconfraternity of the Most Holy Rosary has maintained the position of precedence in the processions over the Archconfraternity of the Dolorous." He then recalls an agreement, initiated before the judge in the year 1826, in which the right of the confraternity of the Most Holy Rosary was recognized, at least in fact, or with regard to possession – "it was established that the Archconfraternity of the Rosary should be preferred to that of Purgatory, and this [the Archconfraternity of Purgatory] to that of the Dolorous." "The Prior and Spiritual Directors obligated themselves in this agreement to observe it and to have it provisionally observed

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by their respective Congregations." Finally, he reports the confession of the opposing confraternity, in which, before the civil authority, it tacitly acknowledged that it had begun to precede since the year 1859.

If the confraternity of the Most Holy Rosary maintained precedence until the year 1859, and in the year 1859, that precedence was unjustly taken away by an incompetent authority, then, according to the advocate, it follows that, although that violence ceased, it had not, before the ecclesiastical authority, lost that "quasi possession" in any way, and that it ought to be maintained in possession, in the forum of the Church.

However, the advocate argues, that violence did not cease. For the sworn testimonies of witnesses (atto notorio) and the testimony of the parish priest clearly demonstrate that, from the year 1859, it has not participated in the processions, so that its rights would not be prejudiced, whenever it knew that the opposing confraternity was present.

[*Latin ed. p. 15*]

BAREN. 15 future. "Since 1859, due to disputes regarding precedence, the Archconfraternity of the Rosary has always refrained from participating in any function in which the Archconfraternity of the Sorrowful Mother was present; and this practice has also been followed by the latter." (Notarial act, November 17, 1899). = "Since 1874, I have observed that the two Confraternities did not participate in processions or funerals due to this issue." (Testimony of the Archpriest). Given this situation, it is easy to explain, according to the lawyer, the testimonies presented to the contrary, which state that for many years the Sodalitas of the Most Sorrowful Virgin Mary has held a place of honor in the processions. It may have held this position since 1859, above other sodalities; but not above the Sodalitas of the Most Holy Rosary, which abstained from the processions. However, although this position may have been ambiguous, and it might be necessary to refer to antiquity, the lawyer, in my opinion, clearly favors the Archconfraternity of the Most Holy Rosary. The lawyer, in order to prove that this sodality is older, presents the following documents in particular. 1. The explicit confession of the opposing sodality, which in a concordat of 1826 clearly acknowledged that it was founded in 1764, while the Archconfraternity of the Most Holy Rosary had its beginnings in 1577 - "Observing the respective documents, it has been determined that the Archconfraternity of the Rosary, because it was established in 1577, must precede that of Purgatory, which dates to 1652, and this [the Archconfraternity of the Rosary] precedes the other of the Sorrowful Mother, because it marks the year 1764." Nevertheless, this concordat may have been initiated provisionally; by a law such that the place assigned to the sodalities would not be subject to any rights, if they wished to pursue this before a judge. For it pertains to law that some sodalities should not be measured solely by antiquity. But the fact remains that, without a doubt, and certainly, and indeed, after

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examining the documents - observing the respective documents - with the consent of all, it was confirmed that the Sodalitas of the Most Holy Rosary was founded in 1577; the Sodalitas of the Most Sorrowful Virgin Mary was established much later.

[*Latin ed. p. 16*]

16 FROM THE DECREES OF THE COUNCIL - 2. A historical account of a certain work, entitled: "Historical Records of Mola di Bari" by the Reverend Giuseppe De Santis; which, although it considers the confraternity of the Most Sorrowful Virgin Mary to have been established somewhat earlier (in the year 1724), nevertheless considers the confraternity of the Most Holy Rosary to be much older, stating that it was founded around the year 1400. "In 1577, the Church of St. Dominic was, by order of Gregory XIII, granted to the Congregation of the Rosary, which, dating back to the beginning of the 15th century, had always operated in the parish church, in a small chapel of the same name, the Virgin of the Rosary, which was subsequently ceded on June 9, 1578, by the clergy to Baron Giovanni Francesco Carafa, and without a doubt, the oldest religious confraternity that Mola boasts... In 1744, the clergy, through a deed by the notary Francesco Maria Capasso, ceded the church of St. Mary Magdalene to the confraternity of St. Mary of Sorrows, which was established 20 years prior with the rules of Brother Francis Spinola, and confirmed by royal decree on August 30, 1768." - 3. An instrument drawn up in the year 1578, by which the chapel of the Most Holy Rosary was transferred to Baron Giovanni Francesco Carafa. In this document, the confraternity of the Most Holy Rosary is mentioned - "desiring that the confraters of the Most Holy Rosary should build a burial place where they might, at their own discretion and will, be buried." 4. Sworn testimonies (a public document) regarding public reputation. But since the confraternity of the Most Sorrowful Virgin Mary maintains that its establishment should be counted from the day when royal approval was granted, and not from the day when the ecclesiastical institution took place, the advocate endeavors to demonstrate that this foundation is not valid, and, if it were valid, that it cannot be considered in ecclesiastical matters. It is not valid, because the royal decree for the confraternity of the Most Holy Rosary was granted on February 29, 1768, long before that for the confraternity of the Most Sorrowful Virgin Mary, which obtained it in that same year, but on August 30, if one is to believe the historical work mentioned above: "the rules were confirmed by royal decree on August 30, 1768." How can these royal decrees be opposed?

[*Latin ed. p. 17*]

It is known that seventeen congregations, granted privileges in the eighteenth century, were later declared to have no validity, and that those who reported these privileges were, as they say, in need of absolution. This

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absolution was only obtained in the year 1856 by the confraternity of the Most Holy Rosary. It would be consonant with justice that the effects of this absolution be extended, and that the approval, which was considered invalid before the absolution, be revived. However, the foundation based on the royal approval, although it still exists, would not be considered in this case, according to the advocate. And in truth, it is most evident that these royal approvals never reached the Church, the rightful holder of authority, but rather the congregations were always approved by themselves, as legitimate, even though they lacked royal approval. Regarding this matter, there is no doubt after the judgment of the Sacred Office in the case of Sypontina, pronounced on September 10, 1898, and March 18, 1899. In that case, the Confraternity of the Most Holy Virgin Mary claimed precedence based on the fact that it had been approved by the king earlier. However, the Sacred Office granted precedence to the Confraternity of the Most Holy Sacrament, which appeared to be older. Furthermore, antiquity, and not the king's approval, is to be considered when it comes to precedence: "The earlier canonical foundation is the reason for precedence, not the royal assent, which, with respect to the laws of the Church, has no value whatsoever." *Monitor ecclesiastico* IX, p. 11, a. XXI, February 8, 1896. How can one doubt that this ecclesiastical approval intervened? Indeed, it must be entirely presumed, even though it lies hidden behind a chirograph of five centuries. And even more so, because it appears from the constitutions approved by the king in the year 1768 that the members of the confraternity have always used a cassock, have their own chapel, and participate in processions. Moreover, the confraternity has held the title of Archiconfraternity since ancient times, enjoys spiritual privileges, and it is known that it was transferred to the church where it now resides by Gregory XIII. This last fact is so evident that it removes all doubt. For Gregory XIII, even before it was disapproved, mentions it in the Acts, Volume XXXIV, page CCCXCVII, number 2.

[*Latin ed. p. 18*]

18. Since the decree of the Holy Council did not transfer [the matter] to another Church, or, by transferring [it], approved [the action], the advocate concludes. THE RIGHTS OF THE SODALITY GRANTED BY THE BLESSED VIRGIN MARY. The advocate of the opposing Archiconfraternity notes that the Archiconfraternity claims to belong to the Most Holy Rosary, but does not assert that its institution is older than that of the other. For among the documents presented and alleged in court, none is found that seems to provide a certain and irrefutable argument regarding the date, month, and year of the founding of either of the parties in dispute. Indeed, this very Sodalitas, which dared to present its grievances to the political magistrate of the Province, stated: "The Archiconfraternity of the Rosary, as can be seen from its statutes (which and when were they published?), is so ancient that the time of its foundation is unknown." But,

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the advocate insists, even if the origin and institution of the Sodalitas from the B. M. V. Perdolente are unknown, this does not negate them. First, the tradition of Molensis states that the origin of this Archiconfraternity is so ancient that no memory of its beginnings remains among the citizens from the very earliest times. To this common tradition, which publicly attributes the cult of the B. M. Virgin Perdolente to the very foundation of the city, a second argument of presumption must be added, by which it is rightly understood that they venerated the most sorrowful Mother of God not privately and individually, but publicly and collegially, whom they established as the patroness of their city and venerated. But since we must contend not on facts through conjectures, but on the law, the advocate recalls the supreme principles of law. There are two kinds of persons: the natural, which includes all individuals of the human family; and the juridical, which encompasses the collective associations of natural persons. Concerning these persons: "Those same [associations], which have only just causes for their purpose, cannot be formed without express approval of the sovereign." Domat, Droit public, book L, title II, section II. Consequently...

[*Latin ed. p. 19*]

BARENS. The nineteenth [article] concerns those established either by certain civil or religious utility: "regular ecclesiastical or lay bodies and communities, secular or of any other kind: chapters, universities, colleges, monasteries, hospitals, guilds, confraternities, town halls, or other places": but "only the sovereign can grant these permissions and approve the bodies and communities to whom the right to assemble may be granted, ibid. loc. cit." The principle that only the legislator has the right to create so-called civil entities has the most important of traditions supporting it. It is proclaimed by the Roman jurists as an axiom." Laurent, vol. I, no. 289. From this, the orator concludes, based on the documents presented from here and there, that the Archconfraternity of the Blessed Virgin Mary of Sorrows has perfectly acquired its legal personhood in the year 1804; while the Archconfraternity of the Virgin Mary of the Most Holy Rosary only began to live a legitimate and perfect life as a legal entity in the year 1856. Therefore, it is clearly evident, according to the advocate, that the former [Archconfraternity] is the older one, which is proven to have fully acquired legal personhood first, and above all others. The orator continues, that in the very case in question, both civil and ecclesiastical authority have followed this same interpretation. Regarding civil authority, he first points out that the Prefect of the Province of Barens, on April 22nd of the year 1863, ordered that: "Through a petition made to this office, attention is drawn to a letter from the Council of Hospices, dated May 25th, 1857, no. 77, in which the government regulations are mentioned that establish the precedence of confraternities in public processions, so that they may be

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observed in the event of such cases. - The letter is as follows: - The resolution of the question proposed by this Commission regarding precedence, with the report of April 20th last, is very easy.

[*Latin ed. p. 20*]

20 FROM S. C. CONCILIARYSince the date of the royal approval for the foundation, and not that given to the rules, establishes it. Therefore, if the Congregation of the Sorrowful Mother received approval for its foundation with the decree of July 4, 1804, and the others received it with the decree of September 27, 1856, it is clear that precedence in the processions is due to said Congregation." Furthermore: on the same controversy, the same magistrate again expressed his opinion on April 8, 1876, writing to the Mayor of Molensi: "To avoid discord, I ask Your Excellency to kindly inform both confraternities that they must strictly adhere to what was established in the Royal Dispatch of June 28, 1876, and June 17, 1880, reported on pages 49 and 58 of the Collection of Ministerial Instructions of the Knight De Rossi of 1880. "And therefore, if the Confraternity of the Sorrowful Mother received approval for its foundation with the decree of July 4, 1804, and the others received it with the decree of September 27, 1856, it is clear that precedence in the processions belongs to said Confraternity." The judgment of the diocesan ordinaries is consistent with this, who, in letters sent to S. C. C., state: "I refrain from any legal observations on the assertion that the date of the founding act is the only criterion for judging precedence, while in our provinces, through concordats, the Holy See has also taken into account the royal approval, which formally completed the establishment of the entity." Furthermore, the advocate pointed out that the right of precedence is also granted by the dignity of the person, or by a more worthy reason. This has been widely taught by the Auditors of the Roman Rota, who declared: "Precedence is due by right to the one who is in a higher order, even if, otherwise, he might be older." Recent, Part IV, Vol. II, Decision 214. Although both are archconfraternities, which take their name from the Blessed Virgin Mary, they do not seem to carry any weight.

[*Latin ed. p. 21*]

BARENS. Twenty-one titles of precedence are claimed, because the city of Molenza venerates the Most Holy Virgin, Sorrowful, as its patroness. Therefore, if any question were to arise concerning the matter of precedence, the advocate declared, it is certainly the institution which bears the title – under which the piety and religion of the citizens have decreed to honor and venerate their patroness above all others. However, the advocate affirms that he relies primarily on custom as his argument. Indeed, "in matters of precedence, custom has the greatest authority." *Recent. S. Rotae decis., pars XVIII, tom. II, dec. 781, n. 5.* "In matters of precedence, the law yields to custom." *Ib. pars IV, tom. I, dec. 85, n. 5.* "In matters of

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precedence, the greatest weight must always be given to custom, since in matters of precedence, possession and custom are considered." *Ib. pars X, decis. 102, n. 17.* "Custom in matters of precedence must be considered, even if it is contrary to the law. Controversies concerning precedence in ecclesiastical offices must be settled according to the custom and observance of the city." *Ib. pars XIX, tom. II, decis. 469.* "In matters of processions and precedence, custom holds the primary place, and to it the law yields." *Ib. ib. dec. 560, n. 5.* Furthermore, the advocate reports that the president of the Municipality of Molenza, by the authority of the notables, testifies: "This Archconfraternity, under the title of the Most Holy Mary, Sorrowful, Patroness of the City, has always held the first place, and for a time beyond memory, has enjoyed the *ius honoris* in public religious processions, above all other Archconfraternities and Confraternities in this city." And, with an oath sworn before the Archbishop of Barens, other citizens of Molenza testify, affirming that the Archconfraternity of the Blessed Virgin Mary, Sorrowful, has always possessed and enjoys, even now, the *ius honoris* and precedence from at least the year 1859. The patron, moreover, believes that it is not relevant to the matter, the act of agreement, which was published in 1826 before the magistracy of the city of Molenza, and which was issued by the Archconfraternity of the Blessed Virgin Mary,

[*Latin ed. p. 22*]

22. The Council of Trent invokes the Virgin, most holy of the Rosary, as a principal argument in its own right. This is especially so because all parties desire that their respective rights be preserved. Indeed, the words state: "Wishing to cooperate with all means within our power to suppress animosities and prevent inconveniences and every kind of offense that might arise in the processions, due to the strong disagreements existing among these Congregations regarding precedence, and considering that, due to the brevity with which these religious acts must be performed, it would not be possible to definitively determine the aforementioned precedence beforehand, and also wishing, as far as possible, to reconcile the reasons of some with the claims of others; all this provisionally, for the sole purpose of economic expediency and prevention, until otherwise determined... we have requested, etc." And the act of concord concludes with the declaration of the Protestant parties "that their adherence to such an agreement must not, in any way, prejudice either the privilege that the Archconfraternities of Purgatory and of the Sorrowful Mother have, of not participating in any procession, nor the rights of precedence that they may claim over the Congregation of the Rosary for any reason, with an explicit declaration that this protest must not be harmed either by a limitation of time, nor of possession and custom, and that the Congregations remain free to present their reasons whenever they please." However, the orator states, the act of concord was never put into effect, as all the testimonies demonstrate, from which,

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without contradiction, it is gathered: "that this Archconfraternity, under the title of the Most Holy Mary, Mother of Sorrows, Patroness of the City, has always held precedence, and that for a time beyond memory, it has enjoyed the *ius honoris* in the public religious processions." To strengthen this custom, the orator notes, the authority itself intervened, which, as the parties had invoked in the aforementioned act of concord. What was decided regarding these controversies in the year 1859 is reported by the Most Holy Rosary Sodalitium.

[*Latin ed. p. 23*]

On the 23rd of March, in a pleading document submitted on the 14th of September 1899 to the Prefect of the Province of B, it is stated: "The pious work of the Rosary had precedence over the pious work of the Sorrowful, and maintained that precedence until the year 1859, at which time, a powerful and overbearing person who came to head the pious work of the Sorrowful, once again managed to contest this right. And since, at that time, the political powers were disorganized due to the revolution, it was easy for the pious work of the Sorrowful to assert itself through force."

In the year 1860, the patron argues, and although a new political order was established in the Neapolitan regions, and although recourse to ecclesiastical authority was nonetheless assured, the Archconfraternity of Aversa opposed only with honest silence. But because of this silence, voluntarily observed from the year 1859 until the month of September of the year 1899, the lawyer recalls the principle that: "A long observance of thirty years is considered a contract as if it were validly approved." *Rota Rom.*, recent, part XIX, vol. II, decision 436, n. 28; from which it follows that an observance of forty years or more, which constitutes a very long period of prescription, cannot fail to be taken into account so that the same precedence is maintained, which was granted to the Venerable Archconfraternity of the Blessed Virgin Mary of Sorrows in B.

Furthermore, it has always been judged and decided in matters of precedence: "A custom can be established even within a space of ten years." *Ib.*, part XIX, vol. I, decision 99, n. 12. "An observance of ten years is sufficient in those matters which are outside the law. A custom which does not have a contrary law is said to be outside the law." *Ibid.*, part X, decision 102, nn. 10, 11. Nor is it valid, according to the patron, that the Archconfraternity of the Most Holy Rosary has abstained from public processions and other ecclesiastical functions since the year 1859. Although civil possession is retained in the mind, it is nonetheless lost if, within a space of ten years, no act of possession has occurred due to some hindering cause. This is a common principle of law.

[*Latin ed. p. 24*]

24. From numerous sentences of the Sacred Congregation, the Auditors

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of the Holy Roman Court have affirmed: "A possession once acquired in spiritual matters is not lost through the non-exercise of such [possession], unless the lapse of ten years also occurs, when, for some reason, the possessor omitted to exercise [his right]." Rec. pars X, ei,, decis. 102, n. 20. To this they add that the Venerable Archiconfraternity of the Most Holy Rosary not only spontaneously and knowingly relinquished the pretended right of possession: "from that time forward, it perfectly abstained from participating in any function"; but it confesses that it ceased from the exercise of possession because the public civil authority substituted the Venerable Archiconfraternity of the Blessed Virgin Mary of Sorrows in its place. Considering both of these points, the question was raised before the Congregation as to whether precedence pertains to the Archiconfraternity of the Most Holy Rosary in the case of Archiconfraternities disputing the right of precedence. RESOLUTION. The Sacred Congregation, after deliberation on May 25, 1901, decided to respond: Precedence pertains to the Archiconfraternity of the Most Holy Rosary. FROM THE SACRED CONGREGATION FOR BISHOPS AND REGULAR CANONS. Regarding the property right. July 20, 1900. COMPENDIUM OF THE AGREEMENT. In the town of Oritana, in the diocese of [Oritana], in the year 1894, the construction of a convent and church for the religious of the Order of Alcántara was begun, with funds contributed by many faithful, and especially by a certain Carrieri, who not only purchased the land for the convent and church, but also contributed the largest sum of money.

[*Latin ed. p. 25*]

ORITANA. 25 *tem* were spent for the construction. However, the convent and church were, before the civil law, assigned to three religious Alcantarine fathers. After the work was completed, and following the union, or rather, the fusion, of the Alcantarine and Observant brothers under one Order of the Brothers Minor, since they did not derive any benefit from the newly established convent, because another convent, under the name of S. Crucis, was located not far away, approximately 300 meters distant, they decided to cede it to another religious community, which, however, did not belong to the Order of Mendicants. Upon being informed of this, Carrieri, whose money had primarily financed the new convent from its foundations, and who had provided funds under the condition that another religious community, either of the Alcantarines or the Minors, remain in the town for the spiritual good of the faithful, went before the lay magistracy, and the three titular religious fathers, as civil persons, sought the restitution of the church and convent, so as to avoid legal proceedings, and in this way, they made a legal cession of the convent and church, with the support of Carrieri, who donated the aforementioned buildings to the Capuchin religious. These [Capuchins], realizing that in that once vast province there had formerly been 30 convents, and now there was only one,

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and that one quite small, in the town of Serrano, accepted the donation. Upon receiving a recourse from the Brothers Minor to the Sacred Congregation of Bishops and Regulars, the Capuchin Fathers, although they had begun to take possession of the convent through their commissary, were, by invitation of the Sacred Congregation, urged to relinquish it, and they immediately left the convent and declared themselves [to be] in this judgment, between the Lord Carrieri and the Brothers Minor. The case was presented on March 30, 1900, and the Sacred Congregation, to the question of "To which Order does the convent and church of the town commonly called Francavilla belong in this case?", responded: "To the Order of the Brothers Minor of St. Francis." Carrieri, having obtained the benefit of a new hearing, initiated a dispute, but with the same outcome.

[*Latin ed. p. 26*]

26. FROM THE DECREES OF THE BISHOPS AND CANONS. A SYNOPTIC DISCUSSION. THE RIGHTS OF THE APPELLANT, CARRIERI. Here, through his appointed Advocate, he divides his defense into two parts. In the first part, he strives to demonstrate that a true and irrevocable donation in favor of the Brothers of Alcántara cannot be admitted. Indeed, although the Advocate concedes that in this case, we are dealing with a donation for pious causes, which enjoy the greatest favor of Canon Law, so that neither registration in public records nor other formalities are required, and it can even be valid without the acceptance of the pious cause; nevertheless, he asserts that the intention of the donor must be established by certain and unambiguous evidence, since in case of doubt, the donation is not presumed. *Leg. 124 Cod. de rev. donat.* The Sacred Roman Rota, in Decree 25, number 15, before Falcon, on the matter of solutions. Certainly, this intention of donating in favor of the Brothers of Alcántara is entirely lacking in this case. The Advocate of Carrieri openly declares that the convent was built so that a suitable number of religious priests would be present in the town. Three Brothers of Alcántara, the titulars of the convent or building, openly testified before the secular tribunal that Carrieri was the true owner of the convent; and furthermore, they attest that he never intended to donate the building to the Brothers of Alcántara. The Advocate argues that these witnesses should be considered reliable, based on the testimony of the Bishop of Oritani regarding their integrity. Therefore, since the donation has not been proven, it follows spontaneously that Carrieri was free to cede the building in favor of the Brothers of Capuchin. But even if the donation were admitted, nothing would be established against him, because in that case, it would have to be considered a revocable donation. Firstly, because it concerns an Order of Mendicant Brothers, who are incapable of owning property according to their rule, and therefore, it could only have been a usufruct; but since these religious are no longer present in the convent, Carrieri is free to dedicate and donate the building to another

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religious family. Secondly, this donation, in the hypothetical case that it were made, would have been made to the Alcantarine religious; but since these religious, due to a union or fusion with the Minor Observants, are...

[*Latin ed. p. 27*]

On the twenty-seventh day, the assembly returned to the property of Carrieri, who, exercising his right, donated it to the Fathers of the Capuchin Order. We now arrive at the second part of his argument: the patron asserts that, in the case of a donation, it is permissible to attach a condition; and it is commonly understood that the donor may impose whatever conditions he wishes, and that if these conditions are not fulfilled, the donation becomes void. Indeed, in this instance, the intention of building a religious house on the property of Carrieri was subject to the indispensable condition of establishing a religious community in the homeland, so that the lack of secular and regular clergy might be remedied. This is evident not only from the declaration of Carrieri himself, but also from the testimony of three Alcantarine religious, who were commissioned by Carrieri to build the structure, so that he might avoid trouble for his family; it is also known from the testimony of the Bishop of Usküb, and it is a well-known fact in the town of Francavillafontana. Therefore, as long as the imposed condition has not been fulfilled, the donation will never be able to take effect. However, it is established, the patron continues, that the Minor Friars neither wished to fulfill, nor were legitimately able to fulfill, the imposed condition. They did not wish to fulfill it because the Minor Friars considered the aforementioned house to be useless to the Order: a fact which has been demonstrated by several lawyers. Firstly, it is noted that the Commissary of the Alcantarines, foreseeing a union with the Minor Friars, forbade the three religious who had undertaken the construction from proceeding with the building, because, as the Bishop of Usküb reports, this new house would be useless, given the existence of a nearby house of the Minor Friars, namely the monastery of the Holy Cross. Furthermore, "after the union was concluded, the Provincial of Lyciensis declared that he would cede the same house to another religious family, provided that this family was not mendicant, so that the Minor Friars would not suffer a loss in the collection of alms." This is confirmed by another fact, namely that the Minor Friars entered into negotiations with the Sisters Maiorano regarding the cession of their property in favor of the new foundation; however, these negotiations were subsequently broken off.

[*Latin ed. p. 28*]

28 FROM THE DECREE OF THE BISHOPS AND REGULARS. Hence, the advocate argues that the Minor Observants cannot fulfill the condition imposed by the donor regarding the negative will of the Minor Observants. However, according to the same advocate, they are also unable to fulfill it.

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Furthermore, for the purpose of having religious in the constructed convent, they should be drawn either from the nearby convent of the Holy Cross, or from other convents. In the first case, the donor's intention would be frustrated, who wished to have a numerous body of regular clergy in the town. In the second case, damage would be caused to other convents, and to the Order itself, which, in the present difficult times, needs new foundations. Therefore, if the Minor Observants are neither able nor capable of fulfilling the condition imposed by the donor Carrieri, then he is certainly justified in using his right to bring in the Capuchin Fathers into the constructed convent, in order to achieve the intended purpose. IN FAVOR OF THE MINOR OBSERVANTS. On the contrary, the General Procurator states that the convent was built not only through the generosity of the benefactor Carrieri, but also through the contributions of other benefactors; therefore, the intention of the former cannot be the sole determining factor, but the reasons of others must also be considered. Having stated this, he points out that 1°. in the aforementioned convent, a religious community of Alcantarines was canonically established with the approval of the Apostolic See, the consent of the Ordinary of Otranto, and the visitation of the Superiors of the Order; 2°. that three Alcantarine religious were recognized and declared by civil law as the titular owners of the construction, having themselves entered into a construction contract with the brothers Incalza, master builders, having themselves paid the expenses of the construction, and having supervised the construction of the building. From these facts, the Procurator concludes that the new convent actually belonged to the Order of the Alcantarines, since the three aforementioned religious were not merely agents of the Order. However, because of the subsequent union, the Minor Observants succeeded to the Order of the Alcantarines. Therefore, the Minor Observants must retain ownership of the convent. Moreover, it is argued that only the lord Carrieri...

[*Latin ed. p. 29*]

29. Orítana, reservando sibi suam proprietatem, habuit locum ad donandum, quia Ordo Mendicantium est incapax dominii. Procurator I. hoc affirmavit esse gratuitum, cum id nullius documenti probari non posset. Quoad incapacitatem dominii obiectam, Procurator observat, in circumstantiis temporum praesentium, Ordines Mendicantes, per veniam Apostolicam, licere bona immobilia possidere: sed etiam si hoc venia concederetur, dominium conventus a Sede Apostolica acquisitum esset, numquam vero retentum mansisset a donatore Carrieri. His allegationibus, relatis in partibus, propositum fuit solutioni dubium, an et quomodo confirmanda vel revocanda sit resolutio diei 30 Martii 1900.

RESOLUTIO. Sacra Congregatio Episcoporum et Regularium, die 20 Iulii 1900, controversiam iterum ad tribunal veritatis revocata, rescripsit: — Sententiam confirmandam esse.

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EX SACRA CONGREGATIONE RITUUM.

Dubium quoad nonam lectionem recitandam in festis trium Sanctorum: S. Pantaleonis, S. Mennae et S. Spiridionis, quorum festa redacta sunt ad ritum simplicem.

Hodiernus Kalendarista Archidioeceseos Utinensis, deconsensu sui Rmi Ordinarii, a Sacra Rituum Congregatione solutionem sequentium dubiorum humillime expetivit, nimirum:

Cum in Calendario perpetuo ad usum Archidioeceseos Utinensis, decreto diei 15 Maii anni lapsi 1900 approbato, ad ritum simplicem tria festa redacta sint: nempe S. Pantaleonis, Mart.; S. Mennae, Mart.; et S. Spiridionis, Episcopi. Conf., quaeritur:

I. An in festis S. Pantaleonis et S. Mennae, recolendissub ritu simplici, nona lectio, desingulis recitanda, debeat esse commissa?

[*Latin ed. p. 30*]

30. *Ex S. C. RITUUM:* Post tribus lectionibus respectivis, quae leguntur in festis duplices quorumdem Sanctorum, sufficiatne recitare nonam lectionem, quae de hisce Sanctis existit in Breviario Romano ad respectivos dies, 27 Iulii et 11 Novembris? II. An in festo S. Spiridionis, die 14 Decembris, sub ritu simplici, legenda sit nona lectio, ex tribus lectionibus secundi Nocturni, quae antea in Officio ritus duplicis recitabantur, vel haec nona lectio omitti potest? Et S. eadem Congregatio, ad relationem subscripti Secretarii, exquisitovoto Commissionis Liturgicae, rescribendum censuit: Ad I et II. Negative ad primam partem, Affirmative ad secundam. Atque ita rescripsit. Die 11 Ianuarii 1901. D. CARD. FERRATA, Praefectus. L. S. t D. PANICI, Archiep. Laodicen. Secret.

DUBIORUM.

Dubia proposita a quibusdam calendariorum redactoribus (1).

A quibusdam kalendariorum redactoribus Sacrorum Rituum Congregationi sequentia Dubia pro opportuna declaratione reverenter proposita fuerunt; nimirum:

I. Utrum circa Orationes pro Ecclesia et pro Papa id retinendum sit, ut, si altera Rubrica, altera praecepto Ordinarii, praescribatur, utraque, proutidemore, in Missa dici debeat?

II. Num Pater, Ave et Credo, post chorale Officium, stantes vel genuflexirecitare debeant chorales, uti stantes vel genuflexi recitare tenentur finalem Antiphonam?

III. Quando alicubi celebratur Anniversarium Dedicationis omnium Ecclesiarum, huiusmodi festum estne secundarium pro illis Ecclesiis, quae consecrata non sunt?

IV. Si dies octavae alicuius festi habentis Octavam, incidens infra Octavam Corporis Christi, ubi haec Octava non est privilegiata ad instar Oc-

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tavae Epiphaniae, sed ita ut quaevis dupliciaclassica, sive occurrentia, sive translata admittat, celebranda sit per integrum Officium, vel per solam commemorationem?

(1) Iterum damus hoc decretum, iam relatum Vol. XXXIII, 681, duas ob meadas quae illic irrepserunt.

[*Latin ed. p. 31*]

I. According to the Sacred Canons, Canon 31, in the feast of the Expectation of the Nativity of the Blessed Virgin Mary, which falls on the fourth day of the week, two Masses are to be sung in Cathedral and Collegiate Churches, namely one for the feast day and another for the feria (weekday), even though they may have some similarity. Is only the Mass for the feast day to be sung?

II. According to the special rubrics of the Roman Breviary and Missal, the feast of the Annunciation of the Blessed Virgin Mary is to be transferred to the second feria after the Sunday in Albis, as if it were in its proper time. However, if a feast of the first class occurs on the same day, is the transfer permitted? And if the feast of the Annunciation of the Blessed Virgin Mary is celebrated on the second feria, and the feast immediately following is the third feria, for which feast are the Vespers to be said? And the rule that is given for this case, is it to be applied to other similar cases, for example, if a feast of the first class occurs with the feast of Saint Joseph, Spouse of the Blessed Virgin Mary, is it to be transferred to the following day, March 20th, or to the fourth feria after the Sunday in Albis?

III. If the octave, the proper dedication of the Church, and the feasts of the dedication of the basilicas of the Holy Apostles Peter and Paul occur on the same day, how are the Vespers to be ordered?

IV. When the commemoration of all the Supreme Pontiffs of the Holy Roman Church occurs on a Sunday within the Octave of All Saints, is the same Postcommunion to be used for the Mass of the feast day and for the said Octave? In this case, which Postcommunion is to be said for the Octave?

V. In the first Vespers of a feast of the first class, is the Commemoration of the day of the octave of the proper dedication of the Church, whose Office has not been completed, to be said or omitted?

VI. Does the privilege of translation, according to the rubrics, which is granted to the feasts of the first class of the Churches of the Doctors of the Rite, if they are impeded, extend to the feasts of the second class of the same rite?

And the same Sacred Congregation, after hearing the opinion of the Liturgical Commission, and after all matters had been carefully considered, decided to respond as follows:

I, II, and III: Affirmative.

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IV: Negative in the first part, but affirmative in the second part.

V: Affirmative.

VI: Affirmative.

[*Latin ed. p. 32*]

32 FROM THE SACRED CONGREGATION OF RITES. Affirmative regarding the first part, negative regarding the second. Regarding VI. For both questions, Vespers shall be celebrated for the more important feast, with the commemoration of the feast of lesser dignity. Regarding VII. Vespers shall be celebrated for the day after the octave, with the commemoration of the following day. Regarding VIII. In this case, the Postcommunion shall be taken from the Mass of All Saints. Regarding IX. Affirmative regarding the first part, negative regarding the second. And thus it was decreed. On May 24, 1901. D. CARD. L. FERRATA, Prefect. D. PANICI, Archbishop of Laodicea. SECRETARY OF THE ORDER OF SAINT BENEDICT – American Congregation of Monte Cassino. DOUBTS to be resolved by the moderator of the calendar of said Congregation. Reverend Father Francis Mershman, O.S.B., the present moderator of the calendar for the American Congregation of Monte Cassino, humbly proposes the following doubts to the Sacred Congregation of Rites for appropriate resolution: I. In the Vespers of the feast of the Expectation of the Blessed Virgin Mary (December 18), according to the Monastic Breviary, the brief Responsorium is noted as "Rorate coeli." When, however, the feast is celebrated on a feria, the question arises: Whether for this commemoration the verse should be changed, or whether the same "Rorate" should be repeated. II. If the feast of Saint Joseph should be transferred because of the occurrence of the Sunday of the Passion in the 11th week, how should the second Vespers be arranged in conjunction with the first Vespers of Saint Benedict, Abbot, of the second class? And what should be done in a similar circumstance, if either feast is transferred after the Sunday in Albis? III. What Responsorium should be said after the twelfth Lesson in the feast of the Seven Founders, or another feast of several Congregations not of Pontifical rank? IV. The general rule states that in the Office, if the conclusion of the hymns is: "Gloria tibi, Domine," then "Benedicamus Domino" is sung in the tone of "Beata"; the question arises, and if on these days in the Mass the same tone is used, even if the Preface is not of "Beata" or of the Nativity, e.g., on the feast of...

[*Latin ed. p. 33*]

FROM SACRED RITUALS 33, section s., App. PetrietPauli, concerning the tone to be used for "Ite, Missa est" in a votive or solemn Mass of the Most Sacred Heart of Jesus, celebrated during an octave, or on the octave of St. John the Apostle and Evangelist.

I. What tone should be used for the "Ite, Missa est" in a votive or solemn Mass of the Most Sacred Heart of Jesus, celebrated during an octave?

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II. On the feast of St. Elizabeth, Queen (July 8th), the proper "Ora pro nobis" is noted; the question is as follows, what verse should be used for the Communion of the Blessed Virgin Mary, with suffrages?

III. If the octave of the Patronal feast or the Dedication of a Church is impeded perpetually by a feast of the first or second class, is it to be reduced to a simple octave, or is the feast of the first or second class to be transferred?

IV. If the feast of the first or second class is to be transferred, is the same to be held for greater feasts, e.g., All Saints?

V. If a Mass for the Dead is celebrated for one deceased man and one deceased woman, is it permissible to change the prayer in this manner: "for the souls of your servant and your handmaid"?

And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and at the earnest request of the Liturgical Commission, and after careful deliberation, decided to respond as follows:

I. In another commemoration, the "Vox clamantis in deserto" is used.

II. Vespers will be of St. Joseph with the commemoration of St. Benedict in both cases.

III. The relative Common is to be used.

IV. Affirmative, in all respects, according to Decree No. 3421, Ratibonae, May 25, 1877, concerning the doubts regarding the chants I, II, and III, in fine.

V. If the hymn has a doxology: "Gloria tibi, Domine," etc., the tone to be used is that of the feasts of the Blessed Virgin Mary.

VI. The verse noted in the Breviary is to be retained, both for the Feast announced and for the suffrages of the Blessed Virgin Mary.

VII. The Rubrics and Decrees are to be observed.

VIII. See VII.

IX. Negative.

And thus it was decided.

June 14, 1901.

D. CARD. L. FERRATA, Prefect.

DIOMEDES PANICI, Archbishop of Laodicea, Secretary.

Acts, Volume XXXIV, page CCCXCVII, Secret. 3.

[*Latin ed. p. 34*]

FROM THE APOSTOLIC DATA, concerning Ordinary Canonical Causes for matrimonial dispensations, sufficient or joined, whether multiple or singular, and other norms (1). Honest and well-known causes: 1. Due to the narrowness of the place. 2. Due to the narrowness of the places. 3. Due to narrowness, with a clause, and if outside, the dowry would not be sufficient. 4. Due to the insufficiency of the dowry of the

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woman. 5. Due to a dowry with an augmentation. 6. For a woman without a dowry. 7. When another increases the dowry. 8. Due to enmities. 9. For the confirmation of peace; and due to treaties between Princes and Regna. 10. Due to disputes over the succession of goods. 11. Due to a dowry involved in disputes. 12. Due to disputes over matters of great importance. 13. For a woman burdened with children; or orphaned by her parents. 14. For a woman exceeding the age of 24 years. 15. Due to the difficulty of men accessing the place, to contract marriage with the inhabitants of the place, e.g., because they are exposed to pirate invasions. Due to the small number of men, e.g., due to war. 16. To safeguard the Catholic religion of the contracting party; and due to the danger of mixed marriages. 17. Due to the hope of conversion of those who are outside the Catholic religion. 18. So that goods may be preserved in the family. (i) The expression and verification of the causes pertains to the substance of the dispensation. Gregory XVI, November 22, 1856. For an impediment of the first degree of consanguinity, Bishops "shall explain the reasons in each case in writing with their own hand." Leo XIII, June 19, 1895. Clauses, which also pertain to the substance of the dispensation, are expressed by a conditional particle such as "if," or another similar one, in the Formulas.

[*Latin ed. p. 35*]

FROM THE APOSTOLIC DECREE 55, 19. For the preservation of an illustrious family. For the preservation of the royal lineage. 20. On account of the excellence of merits. 21. For the sake of preserving the honor of families. – Namely, those who are from honorable families, in order to preserve the honor of families themselves… 22. On account of infamy; and scandal. 23. On account of unlawful union. On account of abduction. 24. On account of civil marriage. 25. On account of marriage before a Protestant minister. 26. On account of a marriage which is in no way validly contracted. 27. For certain reasonable causes. – Namely, on account of a more abundant composition in somewhat distant grades; or in more distant grades, for the sake of the good of the public, which moves the mind of the Pontiff. 28. For certain special and reasonable causes, which move the minds of the Orators and are presented to Your Holiness. – Namely, on account of unlawful union, or of dishonorable acts, which, for the sake of the honor of the Orators, considering their quality, it is not fitting to explain.

First Series – Formula

Prima: For the public good, for honor – From a man – In the first grade – With these betrothals.

On account of the narrowness of the place – For the Oratrix, burdened with children – By Bull. – BENEVENTAN. (1).

Most Blessed Father.

It is humbly presented to Your Holiness, on behalf of the devoted Or-

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ators, Alphrid Santangelo, a man, and Maria Loiacono, a woman, of the diocese of Benevento, that, since the aforementioned woman, being in the place from which she and the aforementioned Orator are born, in the aforementioned diocese, cannot find a man of equal condition to whom she can marry, and since the aforementioned Oratrix is burdened with five children born from another man, and the aforementioned Orator intends to take her as his wife, and to support and govern said children; therefore, the Orators request that...

(1) The part printed in italics indicates the variable part of the Formula. The series proceed according to various impediments. The numbering of the formulas proceeds according to the various grades, causes, and other circumstances. The Cardinal's signature on the Pro-Datary can also be replaced by the Official's signature, according to the statutes of the same Apostolic Datary. See the Regulations of the Apostolic Datary Nos. 99 and 100.

[*Latin ed. p. 36*]

36 FROM THE APOSTOLIC DECREE concerning the impediment to marriage. But because the aforementioned Orator previously contracted betrothal with the aforementioned Oratrix's sister through words of the future, and subsequently, the aforementioned sister of the Oratrix, entirely untouched and in no way violated by him, as it pleased the Lord, passed away from human causes, their desire in this matter cannot be fulfilled without the dispensation of the Apostolic See. Therefore, the aforementioned Orators humbly supplicate His Holiness, that, with the aforementioned Orators, that impediment of the first degree of public honesty arising from the aforementioned premises, and other things, perhaps concealed in good faith, and whatever other contrary circumstances may exist, they may freely and lawfully contract marriage publicly, observing the form of the Council of Trent, to grant them a special dispensation, with appropriate clauses. GRANTED AS REQUESTED BY VIRTUE OF FACULTY*. With absolution from censures, in order to achieve the effect of this present grace. Furthermore, concerning the dispensation, and the other premises mentioned above, so that a more complete and accurate specification and expression may be made in the Letters to be sent through the Office of Minor Grace. And it is entrusted to the Ordinary of Benevento, who, under penalty, shall not presume to demand any fee or reward, or to accept any offering, to diligently inquire into the aforementioned matters, and if the facts stated are true, and if the aforementioned Oratrix has not been seduced for this reason, to grant the aforementioned Orators a dispensation, as stated above. Given in Rome, in the Apostolic Palace, on the day of the month of the year, by the undersigned, Cardinal Pro-Datary. Series First - Formula Second. Public honesty - By a man - By Bull. In the first degree - From

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betrothals - SYPONTIN. Most Blessed Father, it is humbly presented to Your Holiness, on behalf of the devoted Orator Nicholas Lanfranco, a man, and Theresa Fini, a woman, of the diocese of Sypont, that they are aware of an impediment of the first degree of public honesty, arising from the aforementioned, because the aforementioned Orator previously contracted betrothal with the aforementioned Oratrix's sister through words of the future, which, with the mutual consent of the Orator and the aforementioned sister of the Oratrix, the aforementioned sister of the Oratrix, by him, was entirely untouched and in no way violated.

[*Latin ed. p. 37*]

FROM THE APOSTOLIC DECREE, dated 37, having remained in effect, those [persons] were found to exist among them, overcome by human frailty, and they had carnal knowledge of each other. Now, if the aforementioned Lady were to remain gravely defamed and unmarried, unless marriage were contracted between them, grave scandals could very likely arise; therefore, the aforementioned Orators desire to be married to each other. But, with this impediment existing, they cannot fulfill this desire in this regard without the dispensation of the Apostolic See. Therefore, the aforementioned Orators humbly beseech Your Holiness, that, with them, those Orators, to whom an impediment of the first degree of public honesty, arising from the aforementioned premises, and others, perhaps concealed in good faith, and all other contrary circumstances whatsoever, do not prevent, that they may freely and lawfully contract marriage between themselves, publicly, observing the form of the Council of Trent, and that you may deign to grant a special dispensation, with appropriate clauses, regarding the legitimacy of any offspring that may be conceived.

GRANTED AS REQUESTED, WITH THE FORCE OF FACULTIES: With absolution from censures, in order to achieve the effect of this present grace. And, concerning the dispensation, decree, and other matters mentioned above, so that a more complete and accurate specification and expression may be made in the Letters to be issued by the Office of Minor Grace. And the Ordinary of Sypont is entrusted with this task, who, under penalty of absolute prohibition against presuming to demand or receive any fee or reward, shall diligently inquire into the aforementioned matters; and, if the aforementioned matters are true, he shall impose salutary penance upon the aforementioned Orators for the aforementioned offense, and remove, as far as possible, any scandal, especially through separation, at a time suitable to them, if it can be done, and if the aforementioned Lady has not been abducted for this purpose, and he shall grant them a dispensation, as mentioned above, and declare any offspring to be legitimate.

Given at Rome, in the Apostolic Chancery, on this day of the month and year. C. P.-D. Series Prima — Formula Tertia Iustitiae Publicae Honestatis - By authority of - In the first degree - From betrothal - And of consanguinity

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- In the first and second degree - Or otherwise - On account of exceptional merit - In place of heretics - By Bull or Brief. YJLNEN.

Most Reverend Father, it is humbly reported to Your Holiness concerning the Orator Anthony Posianski and the devoted Lady Elisabeth Ruskiewicz.

[*Latin ed. p. 38*]

58 FROM THE APOSTOLIC DECREE concerning a woman from the diocese of Vilna. Because those who truly are worshippers of the Catholic faith, and who live under the obedience of the Holy Roman Church, intending to live and die therein, and who have shown great generosity towards the Church, desire to be joined in matrimony. But because the aforementioned petitioner has a niece, and because the aforementioned petitioner contracted a betrothal with the aforementioned petitioner's sister through words of future intent, having previously obtained from the Apostolic See letters of dispensation or authorization to dispense from the impediment of the first and second degrees of consanguinity, as mentioned above, by which they were related; which, subsequently, with the common consent of the petitioner and the aforementioned petitioner's sister, were dissolved, the aforementioned petitioner's sister remaining entirely untouched and in no way involved; they cannot fulfill this desire without the dispensation of the Apostolic See. Therefore, the aforementioned petitioners, S. Y., humbly supplicate that, with regard to them, that they may freely and lawfully contract marriage between themselves, publicly, with the proper form of the Council of Trent, notwithstanding the impediments of the first and second degrees of consanguinity, and the first degree of public honesty, as mentioned above, and any other obstacles, which, in good faith, may perhaps be concealed, and all other contrary things whatsoever, that Your Holiness may grant a special dispensation, with appropriate clauses.

GRANTED AS REQUESTED, BY VIRTUE OF THE FACULTY: With absolution from any censures, in order to achieve the effect of this grace. And, concerning the dispensation, and the other matters mentioned above, so that a more complete and accurate specification and expression may be made therein, this may be done in letters issued by a Brief of the Holy See. Furthermore, it is entrusted to the Ordinary of Vilna, who, under penalty of absolute prohibition, shall not presume to demand or receive any payment or gift, to diligently inquire into the matters mentioned above; and, if the facts are as stated, and if the aforementioned petitioner has not been abducted for this reason, and if the aforementioned petitioners are truly worshippers of the Catholic faith, and live under the obedience of the Holy Roman Church, intending to live and die therein, he shall grant them a dispensation, as mentioned above.

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Given at Rome, in the Apostolic Chancery, on this day, month, and year.

[*Latin ed. p. 39*]

FROM THE APOSTOLIC DECREE, Series Prima, Formula Fourth, concerning public justice and honor – concerning a woman – in the first degree – concerning betrothals – and consanguinity – in the second degree – or otherwise – due to the woman's advanced age – by Bull or Brief. MILAN. Most Blessed Father,

Humbly, We are informed on behalf of the devotees of the Oratory of Saint Peter Frigerio, namely the man, Peter, and the woman, Adela Mazzoleni, of the diocese of Milan, that the aforementioned woman, having reached the age of twenty-four years and more, has thus far not found a man of equal standing to whom she could be married, and therefore, the aforementioned petitioners desire to be joined in matrimony with each other. But because they are connected in the second degree of collateral consanguinity, and because the aforementioned woman, through words of future intent, entered into betrothal with the aforementioned petitioner's brother, having previously received from the Apostolic See letters of dispensation, or a mandate to dispense, concerning the impediment of the second degree of collateral consanguinity in which they were connected, which, subsequently, with the common consent of the aforementioned woman and her brother, and with the aforementioned woman remaining entirely untouched and in no way harmed, were dissolved, they cannot fulfill this desire in this regard without the dispensation of the Apostolic See.

Therefore, the aforementioned petitioners humbly beseech Your Holiness, that, with the aforementioned petitioners, that they may freely and lawfully contract marriage publicly, observing the form of the Council of Trent, notwithstanding impediments of the second degree of collateral consanguinity, and of the first degree of public justice and honor arising from the foregoing, and other impediments, which, in good faith, may perhaps be concealed, and all other contrary circumstances, that You would deign to grant them a special dispensation, with appropriate clauses.

GRANTED AS REQUESTED, BY VIRTUE OF THE FACULTY: With absolution from censures, to the effect of obtaining the present grace. And, concerning the dispensation and other matters mentioned above, that a more complete and accurate specification and expression may be made in letters to be issued by a Brief of the Holy See. And this is entrusted to the Ordinary of Milan, who, under penalty of absolute prohibition against presuming to demand or receive any fee or reward, shall diligently inform himself of the matters above, and, if the facts stated are true, and if the aforementioned woman has not been abducted for this purpose, he shall grant the aforementioned petitioners a dispensation, as above.

Given at Rome, in the Apostolic Palace, on this day of the month and

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year.

[*Latin ed. p. 40*]

40 FROM THE APOSTOLIC DECREE, First Series, Fifth Formula concerning Public Justice and Honesty – Regarding a Woman – In the First Degree – Regarding Betrothal – And Consanguinity – In the Third Degree – Or otherwise – Due to Infamy – And Disputes – Concerning Matters of Great Importance – By Bull or Brief. GUADIXEN. Most Blessed Father,

Humbly presented is the case of S. Y., on behalf of the devotees of the Oratory of Saint John Lafuente, concerning the man and the woman, Anne Menendez, of the diocese of Guadixen. They state that they are, unbeknownst to themselves, connected by the Third Degree of Consanguinity, and that there is an impediment of the First Degree of public honesty and justice, arising therefrom, because the aforementioned woman had, previously, through words of future intent, entered into betrothal with the brother of the aforementioned Orator, a betrothal which, previously, had been permitted by the Apostolic See through a dispensation, or a Mandate to dispense, regarding the impediment of the Third Degree of Consanguinity by which they were connected. Subsequently, with the mutual consent of the aforementioned woman and the brother of the aforementioned Orator, and without the aforementioned woman being in any way violated or deeply wronged by him, the betrothal was dissolved, and they have lived together, but without any carnal intercourse having taken place between them, and nevertheless, a suspicion arose, albeit false, that they had carnal relations three times.

Now, if S. Y. does not marry, the aforementioned woman would remain gravely defamed and unmarried, and serious scandals could reasonably arise therefrom. Furthermore, since serious disputes concerning matters of great importance have already arisen between the parents of the aforementioned Orators, and are currently ongoing, but arising from causes other than the marriage between the aforementioned Orators, and having arisen before the aforementioned events, and it is certain that if the aforementioned Orators were to marry each other, such disputes would be completely resolved: therefore, the aforementioned Orators desire to marry each other.

However, with such impediments existing, their desire to fulfill this cannot be achieved without the dispensation of the Apostolic See.

Therefore, they humbly beseech Your Holiness, that the aforementioned Orators, with the aforementioned Orators, may freely and lawfully contract marriage between themselves, publicly, with the proper form of the Council of Trent, despite the impediments of the Third Degree of Consanguinity, and the First Degree of public honesty and justice arising from the aforementioned, and other impediments, which, perhaps, are being withheld in good faith, and despite any other contrary circumstances whatsoever,

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and that you would deign to grant a special dispensation, with appropriate conditions.

[*Latin ed. p. 41*]

BY ORDER OF THE HOLY FATHER, BY VIRTUE OF THE FACULTIES GRANTED: With absolution from censures, in order to achieve the purpose of the present decree. And, concerning the dispensation, and other matters mentioned above, a more complete and accurate specification and expression may be made in subsequent documents. The Ordinary of Guadix is hereby instructed, and it is strictly forbidden for him to presume to demand any fee or reward, or to accept any offering, regarding the matters mentioned above; he must diligently inform himself about these matters, and, if the facts presented are true, he shall grant the aforementioned petitioners, for the sake of their salutary penance, and, to the extent that scandal is present, especially through separation during a period deemed suitable by them, if it is possible, and if the aforementioned petitioner has not been unjustly taken from them, a dispensation, as mentioned above. Granted in Rome, in the Apostolic Palace, on this day of the month and year. C. P.-D. Series Seconda – Formula Sixth of Spiritual Cognation – In place of the rite for heretics – By Brief. – Due to ancient nobility – For the benefit of CHIELCEN. Most Blessed Father, With humble reverence, We present to Your Holiness, on behalf of the devoted petitioners, Ladislaus Petrowski, a man, and Antonina Petrowska, a woman, of the diocese of Chielcen, that they are truly followers of the Catholic faith, and that they live, and intend to live and die, under the obedience of the Holy Roman Church, and that they are from distinguished and ancient noble families, and that they desire to be joined in matrimony. But because the aforementioned petitioner cannot fulfill this desire with the aforementioned petitioner without the dispensation of the Apostolic See. Therefore, they humbly beseech Your Holiness to grant the aforementioned petitioners, that, with them, and with all good faith, perhaps concealed, and with all other obstacles, they may freely and lawfully contract marriage publicly, observing the form of the Council of Trent, and to deign to grant them a special dispensation, with appropriate conditions. BY ORDER OF THE HOLY FATHER, BY VIRTUE OF THE FACULTIES GRANTED: With absolution from censures, in order to achieve the purpose of the present decree. And, concerning the dispensation, and other matters mentioned above, a more complete and accurate specification and expression may be made in subsequent documents.

[*Latin ed. p. 42*]

42 FROM THE APOSTOLIC DECREE, it is possible to effect this through Letters issued by the Holy See. And it is entrusted to the Ordinary of Ma-

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triten, who, under no circumstances, shall presume to demand any payment or reward, or to accept any offering, and who, after carefully considering the foregoing, and if the facts stated are true, and if the aforementioned petitioner has not been abducted for this purpose, and if the aforementioned petitioners are truly devoted to the Catholic faith, and live under the obedience of the Holy Roman Church, and intend to live and die therein, shall grant a dispensation, as stated above. Given in Rome, in the Apostolic Palace, on this day of the month and year, G. P.-D. Series Seconda – Formula Seventh of Spiritual Affinity – From Baptism – By reason of marriage – By Brief. MARRIAGE. Most Blessed Father – The aforementioned petitioners, Didacus Ballesteros y Garcia, a man, and Maria Garcia y Rodríguez, a woman, of the diocese of Matriten, humbly explain to Your Holiness, on behalf of the aforementioned petitioners, that an impediment to Spiritual Affinity, and the consequences arising from it, exists between them, because the aforementioned petitioner had previously taken the aforementioned petitioner as his bride from the Sacred Font; having been overcome by human frailty, they came to know each other carnally. However, if a marriage is not contracted between them, the aforementioned petitioner would remain gravely defamed and unmarried, and serious scandals would arise therefrom; therefore, the aforementioned petitioners desire to be married to each other. But, with this impediment in place, they cannot fulfill this desire without the dispensation of the Apostolic See. Therefore, the aforementioned petitioners humbly beseech Your Holiness to grant them, together with the aforementioned petitioners, a dispensation, so that, with the aforementioned petitioners, and with other impediments of Spiritual Affinity arising from the foregoing, and with good faith, perhaps unknown to you, and notwithstanding any other objections, they may freely and lawfully contract marriage between themselves, in public, with the proper form according to the Council of Trent, and to decree that any children conceived are legitimate, if any there be, deigning to grant this special grace, with appropriate conditions.

GRANTED AS REQUESTED, BY VIRTUE OF THE FACULTY: With absolution from censures, in order to achieve the effect of this grace. And, regarding the dispensation, decree, and other matters mentioned above, so that a more complete and accurate specification and expression may be made in Letters issued by the Holy See. And it is entrusted to the Ordinary of Matriten, who, under no circumstances, shall presume to...

[*Latin ed. p. 43*]

FROM THE APOTOLIC SECRETARY'S OFFICE, 43. If anyone should presume to demand a dispensation, or to accept a marriage proposal, let them first carefully inform themselves of the matters mentioned herein; and if the facts stated are true, let the aforementioned petitioners be granted a salutary penance by the aforementioned Prelates, with prayer,

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fasting, and almsgiving, as much as is possible; and, if it can be done, let them be separated for a time that seems fitting to them; and if the aforementioned woman has not already been taken by another, let them be dispensed by the same Prelates, and let a legitimate marriage be decreed, as stated above. Given in Rome, in the Apostolic Secretary's Office, on this day of the month and year. C. P.-D. Series Seconda – Formula Octava of Spiritual Affinity – With Confirmation – Due to Infamy – And an entailed dowry – By Bull. LITIGES. Most Blessed Father,

Humbly, We present the case of the aforementioned petitioners, Charles Lafuente, a man, and Albina Arroyo, a woman, of the diocese, who state that there exists between them an impediment to Spiritual Affinity, and that this arises because the aforementioned man, during the Sacrament of Confirmation, held the hand of the aforementioned woman, who had been conceived by another man; that they have been seen conversing together, but that there has not been any carnal union between them; and yet, a suspicion, albeit false, arose that they had carnal knowledge of each other.

Now, if the marriage between them is not contracted, the aforementioned woman would remain gravely defamed and unmarried, and serious scandals could reasonably arise therefrom; and since the aforementioned woman has an entailed dowry, and the aforementioned man, who is capable of pursuing her, intends to take her as his wife, and to undertake and defend such legal proceedings at his own expense, the aforementioned petitioners desire to be married to each other.

However, with this impediment present, they cannot fulfill this desire without a dispensation from the Apostolic See. Therefore, the aforementioned petitioners humbly beseech Your Holiness to grant them a dispensation, so that, with the aforementioned petitioners, and with others, in good faith, perhaps concealed from you, and notwithstanding any other objections, they may freely and lawfully contract marriage between themselves, according to the form of the Council of Trent, and to grant them a special dispensation, with appropriate conditions.

[*Latin ed. p. 44*]

By Apostolic Brief, granted according to the authority requested. With absolution from censures, to the effect of obtaining the present grace. And, concerning dispensations, and other matters, as mentioned above, a more complete and accurate specification and expression may be made in subsequent documents. It is entrusted to the Ordinary of Gerunden, who, under penalty of absolute prohibition against presuming to demand or accept any payment or reward, shall diligently inform himself concerning the aforementioned matters; and, if the statements are true, he shall grant to the aforementioned petitioners a salutary penance, for the reasons stated above, and, to the extent possible, remove any scandal, especially through separation at a time deemed suitable by him, if it can be accomplished, and

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if the aforementioned woman has not been taken against her will, and he shall grant the aforementioned petitioners a dispensation, as mentioned above. Given in Rome, in the Apostolic Chancery, on this day of the month and year. C. P.-D. Series Tertia – Formula Nona of Affinity – Brief concerning a carnal act by a man. In the first degree – Due to cohabitation – By the authority of MEDIOLANEN. Most Blessed Father, humbly presented by S. Y. on behalf of the aforementioned petitioners, Matthaeus Frigerius, a man, and Antonia Buonvicini, a woman, of the diocese of Mediolanen, that after the aforementioned petitioner had carnal knowledge of the sister of the aforementioned woman, the aforementioned petitioners, knowing that they were related by the first degree of affinity, but nevertheless having engaged in a carnal act arising from the aforementioned circumstances, were overcome by human weakness and engaged in carnal relations with each other. Now, if the aforementioned woman were to remain unmarried and thus be gravely defamed, and serious scandals were to arise therefrom, the aforementioned petitioners desire, for this reason, to be married to each other. However, with this impediment in place, they cannot fulfill this desire without the dispensation of the Apostolic See. Therefore, the aforementioned petitioners humbly beseech Your Holiness, that with the aforementioned petitioners, and with others, in good faith, perhaps concealed, and notwithstanding any other obstacles whatsoever, they may be permitted to publicly contract marriage between themselves, according to the form prescribed by the Council of Trent, and that they may be granted a special grace, with appropriate conditions, to declare any offspring conceived to be legitimate.

[*Latin ed. p. 45*]

BY ORDER OF THE HOLY SEE: With the granting of absolution from censures, in order to achieve the effect of the present grace. And, concerning the dispensation, decree, and other matters mentioned above, it is possible that a more complete and accurate specification and expression may be made in Letters issued by a Papal Brief. The Ordinary of Milan is hereby entrusted with this matter, who, under strict prohibition against presuming to demand or receive any payment or reward, shall diligently inform himself concerning the aforementioned matters; and, if the statements are true, and if the aforementioned petitioner has not been deceived in this matter, he shall impose a salutary penance upon the aforementioned petitioners, and, to the extent possible, remove the scandal, especially through separation at a time suitable to himself, if it can be accomplished, and, by a better means if possible, according to his judgment, and shall grant a dispensation to the aforementioned petitioners, concerning the recidivant behavior of the aforementioned petitioner with the sister of the aforementioned petitioner, and shall decree the legitimacy of the offspring, as mentioned above. Given in Rome, in the Apostolic Palace, on this day of the month and year,

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in the Gregorian era. Series Third – Formula Tenth, concerning Affinity – Due to the adulterous act of a woman, of such an age that the woman could marry – By Brief. In the first degree – Due to excessive affection – BARGHINONEN. Most Blessed Father, The undersigned humbly present to Your Holiness, on behalf of the aforementioned petitioners, Paul Lopez, a man, and Maria from the Angels Perez, a woman, of the diocese of Barghinonen, that the aforementioned woman, being twenty-four years of age and over, has thus far not found a man of equal standing with whom she could marry, and therefore the aforementioned petitioners desire to be married to each other. But because the aforementioned petitioner has been carnally known by the brother of the aforementioned petitioner on three occasions, they cannot fulfill this desire without the dispensation of the Apostolic See. Therefore, the aforementioned petitioners humbly beseech Your Holiness to grant a special dispensation, so that, with the aforementioned petitioners, despite the impediment of the first degree of affinity, arising from the aforementioned adulterous act, and despite other, perhaps concealed, and all other contrary circumstances, they may freely and lawfully contract marriage publicly, with the proper form of the Council of Trent, with the appropriate conditions.

[*Latin ed. p. 46*]

46. BY THE GRACE OF GOD, ACCORDING TO THE REQUEST, WITH THE FULL POWER: With absolution from all censures, in order to achieve the present grace. And, concerning dispensations, and other matters, as mentioned above, a more complete and accurate specification and expression can be made in Letters issued by a Papal Brief. And this is entrusted to the Ordinary of Barchinone, who, under no circumstances shall presume to demand or receive any payment or reward, shall diligently inquire into the matters presented; and, if the facts are as stated, and if the aforementioned petitioner has not been deceived in this matter, and, by the best means possible, according to his judgment, in the case of a relapse in the conduct of the aforementioned petitioner with the brother-in-law of the aforementioned petitioner, he shall grant a dispensation to the aforementioned petitioners, as mentioned above. Given in Rome, in the Apostolic Palace, on this day of the month and year. C. P.-D. Series Third – Formula Eleventh – Affinity – From Marriage – In the First Degree – By a Simple Signature. For reasons of religion and honor, COROSOPITEN.

Most Blessed Father,

Humbly, we lay before Your Holiness, on behalf of the devoted petitioners, Adalbert Aloysius Le Duc, a man, and Philomena Maria Etienne, a woman, of Corosopiten, diocese, who, being from Catholic and honorable families, desire to be lawfully married to each other in order to preserve their ancestral religion and the honor of their families. But because the aforementioned petitioner was previously the wife of the brother-in-law

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of the aforementioned petitioner, who is now deceased, they cannot fulfill this desire without a dispensation from the Apostolic See. Therefore, the aforementioned petitioners humbly beseech Your Holiness to grant them a special dispensation, so that they may freely and lawfully contract marriage with each other, publicly, according to the form of the Council of Trent, dispensing from the impediment of the First Degree of Affinity, as mentioned above, and from any other impediments that may be secretly concealed, and from all other contrary circumstances whatsoever.

BY THE GRACE OF GOD, ACCORDING TO THE REQUEST, WITH THE FULL POWER: And that the aforementioned petitioners, if they are in any way subject to ecclesiastical sentences, censures, or penalties, may, for the sake of this matter, be released from them.

[*Latin ed. p. 47*]

FROM THE APOSTOLIC DECREE 47, the right to obtain a dispensation, solely for the purpose of this petition, are absolved, and are to be considered absolved. And it is entrusted to the Ordinary of the Orators, who, under penalty of being entirely forbidden to presume to demand any fee or reward, or to accept any offering, shall diligently inform himself of the foregoing matters, and, if the statements are true, and if the aforementioned woman has not been deceived in this matter, he shall, by Apostolic authority, grant the dispensation as stated above. And with the decree that only the signature of this petition is sufficient, and that it shall be valid everywhere in judgment and outside of it, notwithstanding any contrary rule. Given in Rome, in the Apostolic Palace, on this day of the month and year, C. P.-D., Series Third – Formula Twelfth, concerning Affinity – Arising from a carnal act – In the first and second degrees – Due to the widow's poverty – In place of heretics – By Brief. OLOMUGEN. Most Blessed Father, We humbly present to Your Holiness, on behalf of the faithful of that Oratory of Adalbert Gurski, a man, and Anne Mary Ostermann, a woman, of the Olomouc diocese, who, being true worshippers of the Catholic faith, and living under the obedience of the Holy Roman Church, intend to live and die in that state. Since the aforementioned woman is a widow burdened with a large number of children, whom the aforementioned man promises to support, they desire to be lawfully joined in marriage. But because the aforementioned Orator has carnal knowledge of the aforementioned woman's aunt, they cannot fulfill this desire in that regard without the dispensation of the Apostolic See. Therefore, the aforementioned Orators humbly beseech Your Holiness to grant them, together with the aforementioned Orators, the power to freely and lawfully contract marriage between themselves, publicly, with the proper form of the Council of Trent, notwithstanding the impediment of the first and second degrees of affinity, arising from a carnal act, and other similar impediments, and all other contrary circumstances, which, perhaps, are being concealed, with

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the granting of a special dispensation, with appropriate conditions.

AS REQUESTED, WITH THE POWER OF FACULTIES: With absolution from censures, for the purpose of obtaining this grace. And, concerning the dispensation and other matters mentioned above, so that a more complete and accurate specification and expression may be made in letters to be issued by a Brief of the Holy See. And it is entrusted.

[*Latin ed. p. 48*]

48 FROM THE APOSTOLIC DECREE of the Ordinary of Olomouc, who, having strictly forbidden anyone to presume to demand or receive any fee or reward, shall be thoroughly informed of the foregoing; and, if the statements are true, and if the aforementioned petitioners are truly adherents of the Catholic faith, and live under the obedience of the Holy Roman Church, intending to live and die therein, and if the aforementioned petitioner has not been abducted, and, in his judgment, the unfortunate relationship of the aforementioned petitioner with the aforementioned petitioner's aunt, dispenses as stated above. Given in Rome, in the Apostolic Chancery, on the day of the month of the year G. P.-D. Series Third – Formula Thirteenth of Affinity – In the first and second degree – By Brief. – Due to a carnal act – Because of infamy BRUGEN. Most Blessed Father – It is humbly presented to Your Holiness on behalf of the devotees of those petitioners, Adalbert Van den Bratten, a man, and Rosalia Mendel, a woman, of the diocese of Brugen, that after the aforementioned petitioner had carnal knowledge of the aforementioned petitioner's aunt, or stepmother, or niece, who is currently deceased, the aforementioned petitioners, knowing that they are in the first and second degrees of affinity, but nevertheless, due to a carnal act arising from the foregoing, are related to each other, having been together, but without any carnal union having taken place between them, a suspicion arose, albeit false, that they had had carnal relations. Since, if a marriage were not contracted between them, the aforementioned petitioner would be gravely defamed and would remain unmarried, and serious scandals would arise therefrom, the aforementioned petitioners therefore desire to be married to each other. But, with this impediment in place, they cannot fulfill this desire without a dispensation from the Apostolic See. They therefore humbly beseech Your Holiness to grant a special dispensation, so that the aforementioned petitioners may freely and lawfully contract marriage with each other, publicly, and in accordance with the form of the Council of Trent, notwithstanding the impediment of the first and second degrees of affinity, arising from the aforementioned carnal act, and any other obstacles, which, perhaps, you are concealing in good faith, and all other impediments whatsoever, with appropriate clauses.

[*Latin ed. p. 49*]

FROM THE DECREE OF SAINT DAMASUS, AS REQUESTED, 49:

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BY THE APOSTOLIC AUTHORITY, WITH THE POWER TO ABSOLVE FROM PENALTIES, IN ORDER TO BRING ABOUT THE INTENDED EFFECT OF THIS GRACE. And, concerning the dispensation and other matters mentioned above, which may be more fully and accurately specified in letters to be issued by a Papal Brief, this matter is entrusted to the Ordinary of Bruges, who, under strict prohibition against presuming to demand or accept any fee or reward, shall diligently inquire into the aforementioned matters; and, if the facts stated are true, and if the aforementioned petitioner has not been unjustly taken, and, insofar as possible, after removing any scandal, especially through separation at a time deemed suitable, and after imposing a salutary penance on the aforementioned petitioners for the reasons stated above, he shall grant a dispensation to the aforementioned petitioners as stated above. Given in Rome, in the Apostolic Palace, on this day of the month and year, G. P.-D., Series Third – Formula Fourteenth, of Affinity – In the first and second degrees – Due to ignorance of the law – By Brief. Concerning marriage – From CONVERSAN. Most Blessed Father, – The following is humbly presented to Your Holiness on behalf of the aforementioned petitioners, Angel Cantano, a man from Conversan, and Dominica Fante, a woman from Conversan, in the diocese of [unspecified]. After the aforementioned petitioner became the wife of the aforementioned petitioner's father, or uncle, or nephew, who is now deceased, the aforementioned petitioners, knowing that they were connected to each other in the first and second degrees of affinity according to the aforementioned reasons, but ignorant of the law, did not believe that this constituted an impediment to their marriage, and therefore, publicly, in the presence of witnesses, and observing all that is prescribed by the Council of Trent for this purpose, and without any detected or reported impediment, they entered into marriage and consummated it carnally. Afterwards, they were informed of the aforementioned impediment, and for this reason, they have abstained from carnal intercourse. Since the aforementioned petitioners cannot remain in this marriage without a dispensation from the Apostolic See, and if a divorce were to occur between them, serious scandals would arise, they humbly beseech Your Holiness to grant a dispensation to the aforementioned petitioners, as stated above, to the aforementioned petitioners, who, due to the impediment of the first and second degrees of affinity arising from the aforementioned reasons, are...

[*Latin ed. p. 50*]

50 FROM THE APOSTOLIC DECREE, concerning degrees of affinity and other matters, with good faith, perhaps you are concealing something, and notwithstanding any other contrary circumstances, they may freely and lawfully contract marriage between themselves, with a renewed consent; and, if there are any children born of them, they may, as far as neces-

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sary, have them declared legitimate, and you are worthy to receive a special grace, with appropriate conditions. THE GRANT AS REQUESTED, WITH THE FORCE OF FACULTY: With absolution from censures, in order to achieve the effect of this grace. And, concerning the dispensation, declaration, and other matters mentioned above, it may be possible to provide a more complete and accurate specification and expression thereof in letters to be issued by the Holy Father's Brief. And it is entrusted to the Ordinary of the diocese, who, under penalty of absolute prohibition against demanding or accepting any fee or reward, shall inform himself diligently about the matters mentioned above; and, if the facts stated are true, and if the ignorance of this matter is probable, as is alleged, he shall grant the dispensation and make the declaration as mentioned above. Given in Rome, in the Apostolic Palace, on this day of the month and year. C. P.-D. Series Third - Formula Fifteenth, concerning Affinity - In the first and second degree - For the sake of heterodox individuals - By Brief. - Due to infamy - HERBIPOLEN. Most Blessed Father, It is humbly presented to Your Holiness on behalf of the faithful of the aforementioned Orator Paulus Fridericus and the woman Adelaida Lehmann, of Herbipolen. The diocese states that after the aforementioned Orator had taken the aforementioned Oratrix's sister, or mother-in-law, or niece, who is now deceased, as his wife, the aforementioned Orators, knowing that they were in the first and second degrees of affinity with each other, lived together, but without any carnal intercourse; and yet, a suspicion arose, although false, that they had had carnal knowledge of each other. Now, if P. S. does not contract marriage with the aforementioned Oratrix, she will remain gravely defamed and unmarried, and serious scandals will arise therefrom; therefore, the aforementioned Orators, who are truly devoted to the Catholic faith, and who live under the obedience of the Holy Roman Church, and intend to live and die in that obedience, desire to be married to each other. But, with this impediment in place, they cannot fulfill this desire without the dispensation of the Apostolic See.

[*Latin ed. p. 51*]

FROM THE APOSTOLIC PENNANCE OFFICE. Therefore, the aforementioned petitioners humbly beseech Your Holiness, that You would deign to grant a special dispensation, allowing them, together with the aforementioned petitioners, to freely and lawfully enter into marriage publicly, according to the form of the Council of Trent, dispensing from the impediment of the first and second degrees of Affinity, arising from the premises, and from other obstacles, perhaps concealed from you, and from all other impediments whatsoever, with appropriate clauses.

THE GRANT AS REQUESTED, WITH THE FORCE OF FACULTY: With absolution from censures, in order to achieve the effect of this present grace. And, concerning the dispensation and other matters mentioned above, so

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that a more complete and accurate specification and expression thereof may be made in letters issued by a Brief of the Holy See. And it is entrusted to the Ordinary of Herbipolis, who, under penalty of absolute prohibition, shall not presume to demand or receive any fee or reward, to inform himself diligently concerning the aforementioned matters; and, if the facts stated are true, and if the aforementioned petitioners are truly adherents of the Catholic faith, and live under the obedience of the Holy Roman Church, and intend to live and die in obedience, and if the aforementioned woman has not been abducted for this purpose, he shall grant a salutary penance to the aforementioned petitioners, for the aforementioned reasons, and remove, as far as possible, any scandal, especially through separation, at a time convenient to them, if it can be accomplished, and shall grant them a dispensation, as stated above, with the aforementioned petitioners.

Given at Rome, in the Apostolic Penitentiary, on this day of the month and year. C.P.-D. Series Tertia – Formula Decima Sexta. Concerning Affinity – From Marriage – In the first and second degree – From an act of fornication – In the second degree – Due to infamy – And to preserve the honor of the family – By Brief.

BRIGANTINE. Most Blessed Father,

Humbly, it is explained on behalf of the aforementioned petitioners, Francis Coelho, a man, and Maria de Fonseca, a woman, of the diocese of Brigantine, that after the aforementioned woman, who is the aunt, or niece, or wife of the aforementioned petitioner's father, or uncle, or nephew, now deceased, had been carnally known by the aforementioned petitioner, who is connected to her by the second degree of equal consanguinity, the aforementioned petitioners, knowing that they are in the first and second degrees of Affinity, and also in the second degree of Affinity due to an act of fornication, from the aforementioned circumstances...

[*Latin ed. p. 52*]

32. From the Apostolic Briefs, it is evident that the two parties are mutually attracted to each other, and they converse frequently, although no carnal union has taken place between them, and nevertheless, a suspicion, albeit false, has arisen that they have known each other carnally. Since, if the aforementioned Lady were to remain gravely defamed and unmarried, and serious scandals would arise therefrom, and the aforementioned Petitioners belong to a distinguished family, and it would greatly benefit them for the Lady to marry the Petitioner and not another, they desire therefore to be united in marriage. However, given these impediments, they cannot fulfill this desire in this matter without the dispensation of the Apostolic See. Therefore, they humbly beseech the Holy See that, so that they may freely and lawfully contract marriage between themselves, publicly, observing the proper form of the Council of Trent, that Your Holiness would deign to grant them a special dispensation from the impediments of the

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First and Second degrees of Affinity, and also from the Second degree of Affinity arising from the aforementioned acts of fornication, and from all other impediments, whether bona fide or perhaps concealed, and from all other contrary circumstances, with appropriate clauses. 'GRANTED AS REQUESTED, BY VIRTUE OF THE FACULTY'. With absolution from censures, in order to achieve the effect of this grace. And, concerning the dispensation and other matters mentioned above, it is possible that a more complete and accurate specification and expression can be made in Letters to be issued by a Brief of the Holy See. And this matter is entrusted to the Ordinary of Brigantine, who, under pain of penalty, shall not presume to demand or receive any fee or reward, but shall diligently inform himself of the aforementioned circumstances; and, having imposed a salutary penance upon the aforementioned Petitioners for the aforementioned reasons, and having removed, as far as possible, any scandal, especially through separation, at a time suitable to himself, if it can be done, and having removed the occasion for the aforementioned Lady to continue her conversations with the aforementioned Petitioner's brother, as far as possible, and if the aforementioned Lady has not been abducted for this reason, he shall grant the aforementioned Petitioners the dispensation, as mentioned above. Given at Rome, in the Apostolic Palace, on this day of the month and year.

[*Latin ed. p. 53*]

FROM THE APOSTOLIC DECREE, 53, Third Series, Seventeenth Formula Concerning Affinity – In the second degree – Arising from the adulterous act of a man – Due to the narrowness of the place – And for the preservation of Religion – In place of heretics – By Brief. BRUNEN. Most Blessed Father,

Humbly, We present to Your Holiness, on behalf of the devoted individuals, Frederick Hoffmann, a man, and Margaret also Hoffmann, a woman, of the diocese of Brunen, the following: Since the aforementioned woman, in the place from which both she and the aforementioned man are native, within the aforementioned diocese, cannot find a man of equal condition to whom she can be married, due to the narrowness of the place, nor is it safe with respect to religion to contract marriage with anyone; therefore, the aforementioned individuals, who are truly devoted to the Catholic faith, and who live under the obedience of the Holy Roman Church, and intend to live and die in that obedience, desire to be married to each other. However, since the aforementioned man has carnal knowledge of a woman who is connected to the aforementioned woman in the second degree of consanguinity, their desire in this matter cannot be fulfilled without the dispensation of the Apostolic See. Therefore, the aforementioned individuals humbly supplicate Your Holiness, that You would deign to grant them a special dispensation, so that they may freely and lawfully contract marriage with each other, publicly, with the proper form according to the Council

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of Trent, notwithstanding the impediment of the second degree of affinity arising from the aforementioned adulterous act, and also, with any other obstacles, which perhaps You are not aware of, and all other contrary circumstances whatsoever, with appropriate clauses.

GRANTED AS REQUESTED, WITH THE FORCE OF FACULTY: With absolution from censures, in order to achieve the effect of this grace. And, concerning the dispensation, and the aforementioned matters, so that a more complete and accurate specification and expression may be made, this will be done in letters to be issued by a Brief of the Holy See. And this is entrusted to the Ordinary of Brunen, who, under penalty of being forbidden to presume to demand or receive any fee or reward, shall diligently inquire into the aforementioned matters; and, if the facts stated are true, if the woman has not been abducted for this purpose, and if the aforementioned individuals are truly devoted to the Catholic faith and live under the obedience of the Holy Roman Church, and intend to live and die in that obedience, he shall grant the aforementioned individuals the dispensation, as stated above, and shall, as far as possible, remove the occasion for the aforementioned man to have further intercourse with the aforementioned woman's niece.

Given at Rome, in the Apostolic Palace, on this day of the month and year. – D.

[*Latin ed. p. 54*]

54 FROM THE APOSTOLIC DECREE, Third Series – Eighteenth Formula Concerning Affinity – In the second degree – Due to the carnal act of a man – Because of the union – And because of the narrowness of the place – With the clause, and if outside – In place of the heterodox – By Brief. SEYNEN. Most Blessed Father, We humbly present to Your Holiness, on behalf of the devotees of the Oratory of Henry Mieckzinski, a man, and Camilla Cherchoff, a woman, of the diocese of Seynen, that after the aforementioned Orator had carnal knowledge of the aforementioned woman, who is connected to the aforementioned Oratrix in the second degree of consanguinity, the aforementioned Orators, aware that they were thereby connected to each other in the second degree of affinity, having succumbed to human frailty, had carnal knowledge of each other. Furthermore, if the marriage between them were not contracted, the aforementioned Oratrix would remain gravely defamed and unmarried, and grave scandals would arise. Moreover, since the aforementioned woman, due to the narrowness of the place, cannot find a man of equal condition with whom she could marry, and if she were forced to marry outside of that place, the dowry she possesses would not be sufficient for her to find a man with whom she could marry, according to her condition. Therefore, the aforementioned Orators, who are true worshippers of the Catholic faith, and who live and intend to die under the obedience of the Holy Roman Church, desire to

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be married to each other. However, with this impediment, they cannot fulfill this desire in this regard without the dispensation of the Apostolic See. Therefore, the aforementioned Orators humbly beseech Your Holiness to grant them, together with these Orators, that, notwithstanding the impediment of the second degree of affinity arising from the aforementioned carnal act, and other things, perhaps concealed in good faith, and all other impediments whatsoever, they may freely and lawfully contract marriage between themselves, according to the established form of the Council of Trent, and to deign to grant a dispensation, declaring any offspring that may be born legitimate, with appropriate clauses.

GRANTED AS REQUESTED, WITH THE POWER: With absolution from censures, in order to achieve the effect of this grace. And concerning the dispensation, decree, and other matters mentioned above, so that a more complete and accurate specification and expression may be made in Letters to be issued by a Brief of the Holy See. And this is entrusted to the Ordinary of Seynen, who, under penalty of being forbidden to presume to demand or receive any fee or reward, shall proceed according to the foregoing.

[*Latin ed. p. 55*]

From the Apostolic Brief 55, diligently inform [him]; and, if the aforementioned matters are true, if the aforementioned woman was not abducted for this reason, and if the aforementioned Orators are truly devoted to the Catholic faith, and live under the obedience of the Holy Roman Church, intending to live and die in that obedience, then, with the salutary penance imposed upon them for this incest, and, to the extent possible, removing the scandal, especially through separation at a time convenient to them, if it can be done, and removing the occasion for the aforementioned Orator to have further intercourse with the aforementioned woman's niece, grant these Orators, as above, a dispensation, and declare any offspring born of them to be legitimate. Given in Rome, in the Apostolic Palace, in the month and year C. P.-D. Series Tertia — Formula Decima Nona of Affinity - In the second degree - By Brief. Because of marriage - contracted in bad faith.

Most Blessed Father,

Humbly, We are informed on behalf of the devoted Orators, Alexander Righini, a man, and Maria Capponi, a woman, of Florence, in the diocese of Florence, that they, being aware that they are related to each other in the second degree of collateral affinity, entered into marriage between themselves through words spoken publicly in the present, observing all that is prescribed for this purpose by the Council of Trent, and without any detected or reported impediment, and contracted this marriage in bad faith, and then solemnly celebrated it before the Church, and subsequently consummated it carnally.

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Since the aforementioned Orators cannot remain in this marriage without a dispensation from the Apostolic See, and if a divorce were to occur between them, grave scandals would arise, they humbly beseech Your Holiness to grant them, along with the aforementioned Orators, a dispensation to freely and lawfully contract marriage between themselves, renewed in their consent, notwithstanding this impediment of the second degree of collateral affinity and other impediments, good faith, perhaps concealed, and all other contrary circumstances, and to declare any offspring born of them, if any, to be legitimate, deigning to do so, with special grace, with appropriate conditions.

GRANTED AS REQUESTED, WITH THE FOLLOWING CONDITIONS: With absolution from censures, to the effect of obtaining the present grace. And regarding the dispensation, decree, and other matters mentioned above, to extend them more broadly, because a more complete and accurate specification is necessary, and...

[*Latin ed. p. 56*]

56. From the Apostolic Registry, it is possible for this to be expressed in writing through Letters issued by a Brief of the Holy See. It is entrusted to the Ordinary of Florence, who, under no circumstances may presume to demand any fee or reward, or to accept any offering, and who shall carefully inform himself of the matters presented; and, if the facts stated are true, and if the aforementioned woman has not been abducted for this reason, he shall grant them, for the sake of this transgression and incest, a salutary penance, and shall declare their offspring legitimate, as stated above. Given in Rome, in the Apostolic Registry, on this day of the month and year, G. P.-D., Series Third – Formula Twentieth, concerning Affinity – In the second degree of equal line – By marriage – Due to copulation. In the Supplication, it is not explained. – By a simple signature.

PAPIA. Most Blessed Father,

Humbly, it is presented to Your Holiness, on behalf of the devoted individuals, namely Paul Ronconi, a man, and Emilia Lanfranchi, a woman, of the Papia diocese, that they, who are of very conspicuous honesty and possess ancient and primary nobility of family, for certain special and reasonable reasons, which have moved their hearts, and which they have presented to Your Holiness, desire to be married to each other. But, because they are related to each other in the second degree of equal line of Affinity, they cannot fulfill this desire without the dispensation of the Apostolic See. Therefore, the aforementioned supplicants humbly beseech Your Holiness to grant them, together with the aforementioned supplicants, and that, notwithstanding any impediment of the second degree of equal line of Affinity, and other things, perhaps concealed in good faith, and any other objections whatsoever, they may freely and lawfully contract marriage between themselves, publicly, with the proper form of the Council of Trent,

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to grant them a special dispensation, with appropriate conditions.

GRANTED AS REQUESTED, BY VIRTUE OF THE FACULTY: And that the aforementioned supplicants, if they are in any way bound by any ecclesiastical sentences, censures, or penalties, may, solely for the purpose of obtaining the effect of this dispensation, be absolved by virtue of this Supplication, and may be considered absolved. It is entrusted to the Ordinary of the supplicants, who, under no circumstances may presume to demand any fee or reward, or to accept any offering, and who shall carefully inform himself of the matters presented; and, if the facts stated are true, and if the aforementioned woman has not been...

[*Latin ed. p. 57*]

FROM THE APOSTOLIC DECREE 57, with Apostolic authority, a dispensation is granted as stated above. And with the decree that the signature of this petition alone is sufficient, and that it shall be valid everywhere in judgment and outside of it, notwithstanding any contrary rule. Given in Rome, in the Apostolic Registry, in the month and year G. P.-D., Series Third – Formula Twenty-First of Affinity – In the second and third degrees – Due to the marriage contract – Through ignorance of the law – And persistence in it – By Bull. CARTHAGINE. Most Blessed Father – We humbly present to Your Holiness, on behalf of the aforementioned petitioners, Henry Yzquierdo, a man, and Mary Collado, a woman, of the Carthagene diocese, that they, being aware that they are related by the second and third degrees of affinity, stemming from a common ancestor, but ignorant of the law, did not consider this to be an impediment to their marriage; therefore, they publicly entered into marriage with each other, observing all that was prescribed by the Council of Trent for this purpose, and without any impediment being detected or reported, and they consummated the marriage in the sight of the Church; afterwards, they were informed of the aforementioned impediment, and nevertheless they persisted in this carnal union. Since the aforementioned petitioners cannot remain in this marriage without a dispensation from the Apostolic See, and if a divorce were to occur between them, serious scandals would arise, they humbly beseech Your Holiness, that with the aforementioned petitioners, that the impediment of the third degree of affinity, and any others, perhaps secretly concealed, and notwithstanding all other contrary things, they may freely and lawfully enter into marriage again, with renewed consent, and that the distance of the aforementioned second degree may not hinder them, and that the children conceived, if any, may be declared legitimate, as is necessary, deign to grant a special grace, with appropriate conditions.

GRANTED AS REQUESTED, WITH FULL FORCE: With absolution from censures, to the effect of obtaining the present grace. And, concerning the dispensation, declaration, decree, and all the aforementioned things, that a more complete and accurate specification and expression may be

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made in the documents... And it is entrusted to the Ordinary of Carthagene, who, under penalty, shall not grant any reward or gift.

[*Latin ed. p. 58*]

58 FROM THE APOSTOLIC DECREE, it is demanded, or it is presumed to be offered, that one diligently inform himself concerning the aforementioned matters; and, if the statements are true, if the woman has not been abducted for this reason, and if the ignorance of this matter is probable, as is alleged, the Orators, because of this incest, shall be assigned salutary penance; the same Orators, declaring this, shall be granted a dispensation, and the legitimate offspring shall be declared lawful, as above. Given in Rome, in the Apostolic Registry, on the day of the month of the year G. P.-D. Series Third - Formula Twenty-Second of Affinity - In the third degree - Due to the woman's age, the inadequacy of the woman's dowry - By Bull. *superadultam* - And because of > GERUNDEN. Most Blessed Father — The Orators, Anacleto Ruiz, a man, and Josepha Gonzalez, a woman, from the diocese of Gerunden, humbly explain the following: the aforementioned woman, being twenty-four years of age, has thus far not found a man of equal condition to whom she could be married, and since the same aforementioned woman has a dowry less than what is appropriate, according to her condition, and because she cannot find a man of equal condition, to whom she could be married, who would be willing to take her as a wife with this less adequate dowry, and since the aforementioned man intends to take her as a wife with this less adequate dowry, the aforementioned Orators therefore desire to be married to each other. But, because they are related in the third degree of affinity, they cannot fulfill this desire in this regard without the dispensation of the Apostolic See. Therefore, the aforementioned Orators humbly supplicate Your Blessedness, that with the same Orators, that impediment of the third degree of affinity, and with any other, which perhaps are concealed in good faith, and with all other obstacles whatsoever, they may freely and lawfully contract marriage between themselves, according to the form of the Council of Trent, that you would deign to grant them a special dispensation, with appropriate clauses.

GRANTED AS REQUESTED, BY VIRTUE OF THE FACULTIES: With absolution from censures, to the effect of obtaining the present grace. And, concerning the dispensation, and the other matters mentioned above, that a more complete and accurate specification may be made in the Letters... And it is entrusted to the Ordinary of Gerunden, who, being strictly forbidden to demand or receive any fee or reward, shall diligently inform himself concerning the aforementioned matters; and, if the statements are true, he shall...

[*Latin ed. p. 59*]

FROM THE APOSTOLIC SECRETARIAT 59, and if the aforementioned

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woman has not been abducted for this reason, let it be dispensed as above. Given in Rome, in the Apostolic Secretariat, on the [month] day of the year [year] in the reign of Our Lord Jesus Christ. Series Fourth – Formula Twenty-Third of Consanguinity – In the first and second degree – On account of infamy – And on account of dowry with augmentation – For the sake of heterodox persons – By order of His Holiness – Through a Brief.

TO HER MOST GRACIOUS MAJESTY.

Most Blessed Father,

Humbly presented is the case of the aforementioned Angel Pfeiffer, a man, and Gunegunda Schleger, a woman, from the diocese of Regina Grßdicen, who state that they are connected by the degrees of consanguinity of the first and second degree, because the aforementioned man is the nephew of the aforementioned woman, being related through a brother-german or sister-german; that they have lived together, but without any carnal intercourse having taken place between them; and that, nevertheless, a suspicion, albeit false, has arisen that they have had carnal knowledge of each other.

Furthermore, if a marriage were not contracted between them, the aforementioned woman would remain gravely defamed and unmarried, and serious scandals would arise therefrom; and since the aforementioned woman has a dowry that is less than what is appropriate according to her social standing, and she would not be able to find a man of equal standing, and the aforementioned man intends to marry her with this less-than-appropriate dowry, and to augment that dowry up to the amount that is appropriate according to the quality of the aforementioned woman; therefore, the aforementioned persons, who are true worshippers of the Catholic faith and live under the obedience of the Holy Roman Church, and intend to live and die in that faith, desire to be married to each other.

However, with this impediment standing in the way, they cannot fulfill this desire without the dispensation of the Apostolic See.

Therefore, the aforementioned persons humbly beseech Your Holiness, that, with the aforementioned persons, and with any others, in good faith, perhaps concealed from you, and with all other impediments whatsoever, they may be permitted to contract marriage publicly, according to the form of the Council of Trent, and that you would deign to grant them a special dispensation, with appropriate conditions.

[*Latin ed. p. 60*]

60 FROM THE AUDIENCE, on the Feast of Saint Datius, in the month of August, in the year of Our Lord, We grant: with absolution from censures, in order to attain the effect of the present grace. And, concerning the dispensation and other matters mentioned above, so that a more complete

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and accurate specification and expression may be made thereof in Letters to be issued by a Brief of the Holy See, We entrust this to the Ordinary of Granada, who, under penalty of being entirely forbidden to presume to demand or receive any fee or reward, shall diligently inquire into the matters mentioned; and, if the facts stated are true, if the aforementioned woman has not been deceived, and if the aforementioned petitioners are truly devoted to the Catholic faith, and live under the obedience of the Holy Roman Church, and intend to live and die thus, We grant to those same petitioners, for the reasons mentioned above, a salutary penance, and, removing, as far as possible, any scandal, especially through separation at a time suitable to them, if it can be accomplished, a dispensation, as stated above.

Given at Rome, in the Apostolic Palace, on the Feast of Saint Datius, in the month of August, in the year of Our Lord. Series Fourth — Formula Twenty-Fourth of Consanguinity — In the first and second degree — On account of incest — And on account of a dowry increased by another — By the signature of the Holy Father — By Brief. GRANADA AND MINDONIEN.

Most Blessed Father,

We humbly lay before Your Holiness, on behalf of the devoted petitioners, Albert Nuñez, a man from Granada, of the diocese of Granada, and Adelaide Penalvez, a woman from Mindonién, of the diocese of Mindonién, and residing in Granada, of the aforementioned diocese, that they, being aware of their condition, are connected by the degrees of consanguinity, in the first and second degree, and from that connection, because the aforementioned woman, who is the niece of the aforementioned petitioner, is descended from his brother or sister, have, overcome by human frailty, had carnal knowledge of each other.

Furthermore, if a marriage were not contracted between them, the aforementioned woman would remain gravely defamed and unmarried, and serious scandals would arise therefrom; and since the aforementioned woman has a dowry that is less than what is appropriate for her condition, and she cannot find a man of equal condition with whom she can marry; and a certain relative of the petitioners, not otherwise obligated to do so, intends to increase the woman's dowry, so that the petitioner may marry her, and not otherwise, up to an amount that is appropriate for the woman's quality, and the aforementioned petitioner intends to take her as his wife with the aforementioned less-than-appropriate dowry, and with that increase.

[*Latin ed. p. 61*]

FROM THE APOSTOLIC DECREE 61, the aforementioned Orators desire to be mutually joined in matrimony. But, given the impediment of this kind, they cannot fulfill this desire in this regard without the dispensation

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of the Apostolic See. Therefore, they humbly beseech Your Holiness, that the aforementioned Orators, with those Orators, notwithstanding the impediment of the degrees of consanguinity of the First and Second kind, as mentioned above, and other obstacles, perhaps concealed, and all other hindrances whatsoever, may freely and lawfully contract marriage between themselves, observing the form of the Council of Trent, and that they may be granted a dispensation to declare any offspring they may have legitimate, if you deem it fitting, with appropriate conditions. LET IT BE AS REQUESTED: With absolution from censures, for the purpose of obtaining the present grace. And, concerning the dispensation, decree, and other matters mentioned above, so that a more complete and accurate specification and expression may be made in Our Letters by Brief. And this is entrusted to the Ordinary of Granaten, who, under penalty of being absolutely forbidden to presume to demand or receive any fee or reward, shall diligently inquire into the matters mentioned above; and, if the facts stated are true, and if the aforementioned woman has not been abducted for this reason, the aforementioned Orators, after having imposed upon them a salutary penance for this incest, and after removing, as far as possible, any scandal, especially through separation at a time suitable to them, as mentioned above, shall grant them a dispensation, and declare any offspring legitimate. Given at Rome, near St. Peter, in the year of Our Pontificate, in the month, in the year, LEO XIII. Series Fourth — Formula Twenty-Fifth of Consanguinity - In the second degree, in the second place - By Brief. - Due to enmities - For heterodoxy - SEYNEN. Most Blessed Father, It is humbly presented to Your Holiness, on behalf of the devoted Orators, Peter Paulowski, a man, and Rosa Komanski, a woman, of the diocese of Seynen, that, since grave enmities have arisen and are presently existing between the parents and relatives of the aforementioned Orators, and that these arose before the aforementioned agreement, and not from the cause of the marriage to be contracted between them; and it is certain that, if...

[*Latin ed. p. 62*]

62 FROM THE APOSTOLIC DECREE: The aforementioned Orators should be joined in matrimony with each other, and all such animosities should be completely resolved; for the sake of resolving these matters, and for the good of peace, the aforementioned Orators, who are truly devoted to the Catholic faith, and who live under the obedience of the Holy Roman Church, and intend to live and die under its obedience, desire to be joined in matrimony with each other. However, because they are connected by the bond of consanguinity in the second degree of the line, they cannot fulfill this desire in this regard without the dispensation of the Apostolic See. Therefore, the aforementioned Orators humbly supplicate the Holy See, that, with the aforementioned Orators, and that, despite the impediment of the second degree of consanguinity, and any other obstacles, whether

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truthfully concealed or otherwise, they may freely and lawfully contract marriage publicly, according to the form of the Council of Trent, and that Your Holiness may deign to grant a special dispensation, with appropriate conditions.

GRANTED AS REQUESTED, BY VIRTUE OF THE FACULTY: With absolution from censures, in order to achieve the purpose of this grace. And, concerning the dispensation, and the other prerequisites mentioned above, so that a more complete and accurate specification and expression may be made in letters issued by a Papal Brief. And it is entrusted to the Ordinary of Seynen, who, under penalty of absolute prohibition against presuming to demand or receive any fee or reward, shall diligently inquire into the matters mentioned above; and, if the facts are as stated, and if the aforementioned Orators are truly devoted to the Catholic faith, and live under the obedience of the Holy Roman Church, and intend to live and die under its obedience, and if the aforementioned woman has not been coerced in this matter, he shall grant them the dispensation as mentioned above.

Given at Rome, in the Apostolic Registry, on this day, in the month and year. C. P.-D. Series Fourth — Formula Twenty-Sixth. Consanguinity - In the second degree of the line - By Brief. Due to lack of space - For hetero-PLOCEN.

Most Blessed Father: It is humbly presented to Your Holiness, on behalf of the devoted individuals, namely Ladislai Piedzki, a man, and Franciscae Swanscki, a woman, of the diocese of Plocen, that, since the aforementioned woman and the aforementioned Orator are located in the places from which they both originated within the aforementioned diocese, and even when transferring from one to the other, due to the lack of a suitable husband...

[*Latin ed. p. 63*]

FROM the Apostolic Datary, number 63, concerning the condition under which a marriage may be contracted, the aforementioned Orators desire to be joined in matrimony, because they are true worshippers of the Catholic faith, and live under the obedience of the Holy Roman Church, and intend to live and die in that state. But, because they are connected by the second degree of collateral consanguinity, they cannot fulfill this desire without a dispensation from the Apostolic See. Therefore, the aforementioned Orators humbly supplicate that Your Holiness may grant them, together with the aforementioned Orators, a dispensation, so that, despite this impediment of the second degree of collateral consanguinity, and other impediments, perhaps unknown, and all other contrary circumstances, they may freely and lawfully contract marriage publicly, according to the form of the Council of Trent, with the appropriate clauses.

GRANTED AS REQUESTED, WITH THE POWER TO ABSOLVE FROM PENALTIES, IN ORDER TO ACHIEVE THE INTENDED EFFECT OF

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THIS GRACE. And, concerning the dispensation, and the other premises mentioned above, so that a more complete and accurate specification and expression may be made thereof in letters to be issued by a Brief of the Holy See. And it is entrusted to the Ordinary of Plocen, who, under penalty of being forbidden to presume to receive any gift or reward or offering, shall carefully inform himself of the premises; and, if the facts stated are true, if the aforementioned woman has not been abducted for this purpose, and if the aforementioned Orators are truly worshippers of the Catholic faith, and live under the obedience of the Holy Roman Church, and intend to live and die in that state, he shall grant the dispensation as stated above.

Given in Rome, in the Apostolic Datary, on this day of the month and year. C. P.-D. Series Fourth – Formula Twenty-Seventh of Consanguinity – In the second degree – By Brief. Regarding marriage – With doubt concerning – FOROJULIEN.

Most Blessed Father,

Humbly, Your Holiness is informed, on behalf of the aforementioned Orators, Ludovici Crétien, a man, and Susannae Lémonier, a woman, of the Forojulien diocese, that they, who previously doubted the existence of any impediment between them, but now, unaware that they could lawfully marry each other, have publicly declared their intention to marry, according to the terms prescribed by the Council of Trent.

[*Latin ed. p. 64*]

64 From the writings of the Apostolic Datary, and without any detected or reported impediment, they contracted marriage, and this was solemnized before the Church, and afterwards consummated carnally. Later, it came to their knowledge that they were connected to each other in the second degree of collateral consanguinity; and nevertheless, they persisted in this carnal union. Since the aforementioned P. and S. Orators cannot remain in this marriage without a dispensation from the Apostolic See, and if a divorce were to occur between them, grave scandals would arise; they humbly beseech the aforementioned S. Orators, that, with the aforementioned Orators, regarding the impediment of the second degree of collateral consanguinity, and with others, in good faith, perhaps concealed from you, and notwithstanding any other contrary circumstances whatsoever, they may be granted a dispensation to freely and lawfully contract marriage between themselves, with renewed consent, anew, and that the offspring, if any, may be declared legitimate, deigning to grant this special grace, with appropriate conditions.

GRANTED AS REQUESTED, WITH THE FORCE OF FACULTY. With absolution from censures, to the effect of obtaining the present grace. And, concerning the dispensation, decree, and other matters mentioned above, that a more complete and accurate specification and expression may be made in letters issued by a Brief of the Holy See. And it is entrusted to the

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Ordinary of Forojulien, who, under penalty of absolute prohibition against presuming to demand or receive any fee or reward, shall diligently inform himself of the matters mentioned above; and if the facts stated are true, and if the aforementioned woman has not been abducted for this reason, he shall grant the aforementioned Orators, because of this incest, a salutary penance, and shall grant them a dispensation, and declare the offspring legitimate, as above.

Given in Rome, in the Apostolic Datary, on this day, in the month and year. C. P.-D. Series Fourth — Formula Twenty-Eighth of Consanguinity - In the second degree. Due to a marriage contracted in bad faith - For the sake of heterodox. By Brief. Marriage - In SALISBURGEN.

Most Blessed Father,

Humbly presented is the case of the aforementioned Orators, Frederick Lippen, a man, and Angelica Busdorf, a woman, of the diocese of Salzburg, that they, knowing that they were connected to each other in the second degree of collateral consanguinity, contracted marriage.

[*Latin ed. p. 65*]

FROM THE APOSTOLIC DECREE 65, publicly, with the present words, having observed all that is prescribed for this purpose by the Council of Trent, and without any impediment detected or reported, they contracted a marriage in bad faith, and they solemnized it in the sight of the Church, and then consummated it carnally. Since the aforementioned Fathers and Mothers cannot remain in such a marriage without a dispensation from the Apostolic See, and if a divorce were to occur between them, grave scandals would arise; therefore, the aforementioned Fathers and Mothers, who are truly devoted to the Catholic faith, and who live under the obedience of the Holy Roman Church, and intend to live and die in obedience, humbly beseech that, with them, the impediment of the second degree of consanguinity in the direct line, and with others, in good faith, perhaps concealed, and notwithstanding any other contrary circumstances, they may freely and lawfully be granted a dispensation to contract marriage anew, with a renewed consent, and that the legitimacy of any offspring they may have conceived be declared.

GRANT AS REQUESTED, WITH THE FORCE OF FACULTY: With absolution from censures, in order to achieve the effect of this grace. And, concerning the dispensation, decree, and other matters mentioned above, so that a more complete and accurate specification and expression may be made in writing, this shall be done by a Brief from the Holy See. And it is entrusted to the Ordinary of Salisbury, who, under penalty of absolute prohibition against presuming to demand or receive any fee or reward, shall diligently inform himself of the matters above; and, if the facts stated are true, if the aforementioned woman has not been abducted for this purpose, and if the aforementioned Fathers and Mothers are truly devoted

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to the Catholic faith, and live under the obedience of the Holy Roman Church, and intend to live and die in obedience, he shall impose upon them a salutary penance for the aforementioned offenses, and shall grant them a dispensation to marry each other, and shall declare the legitimacy of any offspring, as above.

Given at Rome, in the Apostolic Registry, on the day of the month and year. C. P.-D. Series Fourth — Formula Twenty-Ninth of Consanguinity - In the second degree - For three Poor - For less serious causes - For PACEN.

Most Blessed Father,

It is humbly presented to Your Holiness on behalf of the devoted couple, Iulius Barbosa y Perez, the man, and Rosa Vázquez y Bubio, the woman, of the diocese of Pacen, that...

[*Latin ed. p. 66*]

66 FROM THE APOSTOLIC DECREE: Three individuals, a young woman being the third, aged twenty-three years, in the aforementioned place, because of the difficulty she experiences in finding a man of suitable condition with whom she can marry, desire, through the aforementioned petitioners, to be joined in matrimony. However, because they are connected by the degree of consanguinity of the second line, they cannot fulfill this desire without the dispensation of the Apostolic See. Therefore, they humbly beseech Your Holiness, through the aforementioned petitioners, to grant them, along with the aforementioned petitioners, a dispensation, so that, despite the impediment of the second degree of consanguinity, and despite any other obstacles that you may be concealing in good faith, or any other contrary circumstances whatsoever, they may freely and lawfully contract marriage publicly, according to the form of the Council of Trent.

GRANTED AS REQUESTED, BY VIRTUE OF THE FACULTY: And that the aforementioned petitioners, if they are in any way involved in ecclesiastical sentences, censures, or penalties, may, solely for the purpose of obtaining the effect of this dispensation, be absolved and considered absolved by virtue of this petition. And it is entrusted to the Ordinary of the aforementioned petitioners that he diligently inform himself of the aforementioned matters, and if the statements are true, and if the aforementioned woman has not been abducted for this reason, he is strictly forbidden from presuming to demand or receive any payment or reward from the aforementioned petitioners, but rather, with their authority, he shall grant them the aforementioned dispensation, as stated above. And with the decree that the signature of this petition alone is sufficient, and that it shall be valid everywhere in judgment and outside of it, notwithstanding any contrary rule.

Given in Rome, in the Apostolic Chancery, on this day, in this month,

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in the year C. P.-D. Series Fourth – Formula Thirtieth: Consanguinity – In the second and third degree – Due to the distress of the place – And due to disputes over the inheritance of property – For a place of heterodox individuals – By Bull. BAMBERGEN.

Most Blessed Father: It is humbly presented to Your Holiness, on behalf of the aforementioned petitioners, Frederick Áimerich, a man, and Gertrude Wolf, a woman, of the diocese of Bambergen, that the aforementioned woman, in the places where she and the aforementioned petitioner were born in the aforementioned diocese, even when transferring from one place to another, due to the aforementioned distress, cannot find a man of suitable condition with whom she can marry; and that the aforementioned...

[*Latin ed. p. 67*]

FROM THE APOSTOLIC DECREE 67: A woman is enduring a serious legal dispute concerning the inheritance of property of great importance; and lest, through the lack of a man who would pursue and defend such a lawsuit, she should be overcome by this very lawsuit; it is the intention of the aforementioned man to marry her, and to undertake, defend, and pursue this lawsuit at his own expense. Therefore, the aforementioned men, who are truly devoted to the Catholic faith, and who live under the obedience of the Holy Roman Church, and intend to live and die in that obedience, desire to be joined in matrimony with each other. But, because they are connected by degrees of consanguinity stemming from the second and third common ancestors, they cannot fulfill this desire in this regard without the dispensation of the Apostolic See. Therefore, the aforementioned men humbly supplicate Your Holiness, that with the aforementioned men, and with others, in good faith, perhaps concealed from you, and with all other obstacles, they may freely and lawfully contract marriage between themselves, publicly, according to the form of the Council of Trent, that you would deign to grant a dispensation, and declare that the aforementioned distance of the second degree does not hinder them, by a special grace, with appropriate conditions.

GRANTED AS REQUESTED, BY VIRTUE OF THE FACULTY: With absolution from censures, in order to achieve the purpose of this grace. And, concerning the dispensation, declaration, and other matters mentioned above, so that a more complete and accurate specification and expression may be made in the documents... And it is entrusted to the Ordinary of Bamberga, who shall diligently inform himself concerning the aforementioned matters, and who shall, under no circumstances, presume to demand or receive any fee or reward; and if the aforementioned matters are true, and if the aforementioned woman has not been abducted for this reason, and if the aforementioned men are truly devoted to the Catholic faith, and live under the obedience of the Holy Roman Church, and intend

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to live and die in that obedience, he shall grant the dispensation, and declare, as above.

Given in Rome, in the Apostolic Chancery, on this day, in this month, in this year. C. P.-D. Series Fourth — Formula Thirty-First of Consanguinity - In the first and third degree - For the sake of peace - By Brief. - With confirmation.

SALTEN. Most Blessed Father — It is humbly presented to Your Holiness, on behalf of the aforementioned devoted man, Felix Perez, and the woman, Maria de los Angeles.

[*Latin ed. p. 68*]

68 FROM THE APOSTOLIC DECREE of Salten, diocese, concerning the fact that a certain woman, designated as the "Oratrix," is endowed with a dowry, and that the aforementioned "Orator" intends to marry her, and to provide her, up to the amount, according to the quality of the aforementioned Oratrix, with a dowry in full; and that, among the parents of the aforementioned Orators, grave enmities have existed; however, these enmities arose from a cause other than the contracting of marriage between them, and before the aforementioned agreement; and although peace has recently begun between them; nevertheless, they desire that the marriage of the aforementioned Orators be confirmed. Therefore, the aforementioned Orators humbly request that they may be permitted to enter into a matrimonial union with each other. However, since the aforementioned Oratrix is the niece (through brother or sister) of the aforementioned Orator, their desire cannot be fulfilled in this regard without the dispensation of the Apostolic See. They therefore humbly supplicate His Holiness that, with the aforementioned Orators, they may freely and lawfully contract marriage publicly, observing the form of the Council of Trent, notwithstanding any impediment of the Third Degree of Consanguinity, and other impediments, which, perhaps, are being withheld in good faith, and all other contrary circumstances whatsoever, granting them a special dispensation, with appropriate clauses.

GRANTED AS REQUESTED, WITH FULL POWER, with absolution from censures, in order to achieve the purpose of this grant. Furthermore, concerning the dispensation, and the other premises mentioned above, that a more complete and accurate specification and expression may be made in documents to be issued by a Brief of His Holiness. And it is entrusted to the Ordinary of Salten, who, under penalty, shall not presume to demand or receive any fee or reward, to inform himself diligently concerning the aforementioned matters; and, if the facts are as stated, and if the aforementioned Oratrix has not been abducted for this purpose, and after the aforementioned Oratrix has been fully endowed, he shall grant the dispensation, as stated above.

Given at Rome, in the Apostolic Chancery, on this day, in the month and

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year, C.P.-D. Series Fourth — Formula Thirty-Second of Consanguinity - In the second and third degree - Due to a marriage contracted unknowingly - For the sake of those in heresy - By Bull.

POSNANIEN. Most Blessed Father, it is humbly presented to Your Holiness, on behalf of the devoted Michael Kelmann and Helen Manning of the Posnanien diocese, that they, being unaware of any impediment, desire to marry.

[*Latin ed. p. 69*]

FROM THE APOSTOLIC DECREE 69: A cause for impediment to marriage existing between them, they contracted marriage between themselves, by words spoken in the present tense, publicly, with all that which is prescribed for this purpose by the Council of Trent being observed, and with no impediment detected or reported; and they thus solemnized it in the sight of the Church, and afterwards consummated the marriage carnally. Afterwards, it came to their knowledge that they were connected by degrees of consanguinity of the Second and Third degree, stemming from a common ancestor; but nevertheless, they abstained from carnal union. Since the aforementioned petitioners cannot remain in this marriage without a dispensation from the Apostolic See, and if a divorce were to occur between them, grave scandals would arise, they humbly supplicate that the aforementioned petitioners, who are truly devoted to the Catholic faith, and who live under the obedience of the Holy Roman Church, and intend to live and die in that obedience, may be granted, with them, and with other impediments, perhaps unknown, of the Third degree of consanguinity, and with all other contrary things, a free and licit dispensation to contract marriage between themselves, with renewed consent, and to declare that the distance of the aforementioned Second degree does not impede them, and to declare the offspring conceived by them, if any, to be legitimate, as far as necessary, deigning to grant a special grace, with appropriate conditions.

GRANTED AS REQUESTED, WITH THE FORCE OF FACULTY: With absolution from censures, for the effect of this grace being obtained. And, concerning the dispensation, decree, and other matters mentioned above, so that a more complete and accurate specification and expression may be made in the documents... And it is entrusted to the Ordinary of Posnan, who, under penalty of being forbidden to presume to demand or receive any fee or reward, shall diligently inform himself concerning the matters above; and if the statements are true, if this ignorance is probable, as is alleged, if the aforementioned woman was not abducted for this reason, and if the aforementioned petitioners are truly devoted to the Catholic faith, and live under the obedience of the Holy Roman Church, and intend to live and die in that obedience, he shall, declaring this, grant them a dispensation and declare the offspring to be legitimate, as above.

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Given in Rome, in the Apostolic Palace, on this day of the month and year.

[*Latin ed. p. 70*]

70 FROM THE APOSTOLIC DATA, Series Fourth — Formula Thirty-Third Concerning Consanguinity - In the Third Degree - Due to a marriage unknowingly contracted? - For the Oratrix, orphaned by her parents - By Bull. BURGEN. Most Blessed Father, It is humbly presented to Your Holiness, on behalf of the devotees of those Orators, Francis Pascual, a man, and Birgitta Teruel, a woman, of the diocese of Burgen, that they, unaware of any impediment existing between them, preventing them from lawfully marrying each other, contracted a marriage between themselves through words spoken in the present, observing all that is prescribed for this purpose by the Council of Trent, and without any impediment being detected or reported, they celebrated it before the Church, and consummated it carnally. Afterwards, it came to their knowledge that they were connected by the Third Degree of Consanguinity, for which reason they abstained from such carnal union. Since the aforementioned Orators cannot remain in this marriage without a dispensation from the Apostolic See, and if a divorce were to occur between them, grave scandals would arise, and since the aforementioned Oratrix is orphaned by her parents, they humbly beseech Your Holiness to grant them, together with the aforementioned Orators, a dispensation, so that, despite the impediment of the Third Degree of Consanguinity, and any other impediments, perhaps withheld in good faith, and all other contrary circumstances, they may freely and lawfully contract a new marriage, with renewed consent, and to declare any offspring they may have legitimate, if necessary, granting them a special grace, with appropriate conditions.

GRANTED AS REQUESTED, BY VIRTUE OF FACULTY*. With absolution from censures, to the effect of obtaining the present grace. And, concerning the dispensation, the decree, and all that has been mentioned above, so that a more complete and accurate specification and expression may be made in writing... And it is entrusted to the Ordinary of Burgen, who, under penalty of being forbidden to presume to demand or receive any fee or reward, shall diligently inform himself of the aforementioned matters; and, if the facts are as stated, if the aforementioned Oratrix has not been abducted, and if the ignorance in question is probable, as is alleged, he shall grant the aforementioned Orators a dispensation, and declare any offspring legitimate, as above. Given in Rome, in the Apostolic Data, on the day, month, and year. - D.

[*Latin ed. p. 71*]

FROM THE APOSTOLIC SEE, Series Fourth, Number 71. Formula Thirty-Fourth Concerning Double Consanguinity – In the third degree

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and in cases of conversion – For the fourth degree of heterodox – On account of place – By Bull. *Montin*.

Most Blessed Father,

Humbly, Your Servant presents the case of the devoted Orator, Constantine of the Constantines, from the Diocese of Quarten, who, being a cultivator of the Catholic faith, desiring to bring back to the Catholic faith Antonina of the Antonines, a woman of that diocese, and her children, infected with heretical perversity, entered into discussions regarding a marriage with her, having previously obtained a dispensation due to the impediment of mixed religion. However, because, according to the customary forms of the Council of Trent, it was determined that the aforementioned Constantine and Antonina were connected by degrees of consanguinity of the third degree from one side and the fourth degree from the other, the process for the marriage contract did not proceed further.

Now, Most Holy Father, if the aforementioned Orator were to enter into marriage with the aforementioned Antonina, not only would she, abandoning the errors of her heretical perversity, publicly renounce heresy, but it is also to be hoped that the aforementioned children of Antonina, and also others similarly infected, would embrace the Catholic faith; therefore, the aforementioned Orator desires to be united in marriage with the aforementioned Antonina.

However, because, with this impediment still in place, he cannot fulfill his desire in this matter without the dispensation of the Apostolic See, the aforementioned Orator humbly beseeches Your Holiness to grant him a special grace, so that, with the impediments of the third degree from one side and the fourth degree from the other, and with all other impediments that may perhaps be concealed in good faith, and with all other obstacles whatsoever, he may be permitted to freely and lawfully contract marriage with the aforementioned Antonina, observing the form of the Council of Trent, and to grant a dispensation with appropriate conditions.

GRANTED AS REQUESTED, BY VIRTUE OF FACULTY.

With absolution from censures, for the purpose of obtaining the present grace. And, concerning the dispensation, and the other matters mentioned above, so that a more complete and accurate specification and expression may be made in writing...

And it is entrusted to the Ordinary of Quarten, who, under penalty of absolute prohibition against presuming to demand or accept any fee or reward, shall carefully inform himself of the matters presented; and, if the statements are true, and if the aforementioned woman has not been

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abducted for this purpose, and after...

[*Latin ed. p. 72*]

72 FROM THE APOSTOLIC DECREES. Since that woman publicly abjured the heresy, and declared that she wished to live and die under the obedience of the Holy Roman Church, the aforementioned Advocate shall be granted a dispensation, as stated above. Given in Rome, in the Apostolic Decrees, on the [date] of the month of [month], in the year [year], Series Fourth – Formula Thirty-Fifth of Consanguinity. In the fourth degree – For certain reasonable causes – By A. SC. ULAN. Most Blessed Father – We humbly present to Your Holiness, on behalf of the devoted [Paul Loffredi] and [Caecilia Vignali], inhabitants of the diocese of Ascoli, that they greatly love each other and have already firmly proposed to enter into marriage with each other. But, because they are connected by the fourth degree of consanguinity, they cannot fulfill their desire in this matter without the dispensation of the Apostolic See. Therefore, they humbly supplicate Your Holiness, the aforementioned Advocates, that, with the aforementioned Advocates, and with all impediments of the fourth degree of consanguinity, and with any other obstacles, which perhaps you are concealing in good faith, and with all other objections whatsoever, you would deign to grant them a dispensation, so that they may freely and lawfully contract marriage publicly, observing the form of the Council of Trent, with the special grace of appropriate clauses. GRANTED AS REQUESTED, BY VIRTUE OF THE FACULTY: For certain reasonable causes. With absolution from censures, in order to achieve the effect of this grace. And, concerning the dispensation, and the other premises, so that a more complete and accurate specification and expression may be made in the Letters to be sent through the Office of Minor Grace, it is committed to the Ordinary of Ascoli, who, under pain of penalty, shall not presume to demand or receive any fee or reward, but shall diligently inform himself of the premises; and, if the facts are as stated, and if the aforementioned woman has not been abducted for this reason, he shall grant the aforementioned Advocates a dispensation, as stated above. Given in Rome, in the Apostolic Decrees, on the [date] of the month of [month], in the year [year].

[*Latin ed. p. 73*]

FROM THE APOSTOLIC SEE, Series Fifth, No. 73, Formula Thirty-Sixth: Regarding the crime of consanguinity – and its affinities – in the first and second degrees – arising from marriage – due to carnal union – involving a dowry in litigation – and due to a scarcity of men – by Brief. HISPALEN. Most Blessed Father,

Humbly presented is the case of Francis Lo Blanco, a man, and Judith Consejos, a woman, from the archdiocese of Hispalen, concerning which it is stated that there exists a marriage between the aforementioned man

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and the sister, or mother-in-law, or niece, of the aforementioned woman, who was his wife. The aforementioned individuals, knowing that, based on the foregoing, they are in the first and second degrees of affinity with each other, and overcome by carnal weakness, having given each other their word of marriage after the death of the aforementioned man's wife and, respectively, the aforementioned woman's sister, mother-in-law, or niece, they had carnal relations with each other. Subsequently, the aforementioned man's wife, and, respectively, the aforementioned woman's sister, mother-in-law, or niece, passed away, as it pleased the Lord, without either of the aforementioned men having conspired in her death.

Furthermore, the aforementioned woman has a dowry involved in litigation, and the aforementioned man, who is legally able to pursue it, intends to marry her and undertake such litigation. Moreover, due to the ongoing state of military service and war, there are fewer men available for marriage. Furthermore, if the marriage between them is not contracted, the aforementioned woman would remain gravely defamed and unmarried, and serious scandals would arise. Therefore, the aforementioned individuals desire to be married to each other.

However, given these impediments, they cannot fulfill this desire without a dispensation from the Apostolic See. Therefore, the aforementioned individuals humbly beseech Your Holiness to grant them, with the aforementioned man and woman, a dispensation, so that, despite the impediment of the crime of consanguinity and the first and second degrees of affinity arising from the foregoing, and despite any other obstacles, whether honestly concealed or otherwise, they may freely and lawfully contract marriage between themselves, according to the form prescribed by the Council of Trent, and to declare any children conceived after the death of the aforementioned man's wife, and, respectively, the aforementioned woman's sister, mother-in-law, or niece, to be legitimate, if any such children exist, granting a special grace with appropriate conditions.

[*Latin ed. p. 74*]

74. BY ORDER OF THE SACRED CONGREGATION, WITH THE FORCE OF ECCLESIASTICAL AUTHORITY: Granting absolution from excommunications, in order to achieve the effect of the present grace. And, concerning dispensations, decrees, and other matters previously mentioned, it is possible to provide a more complete and accurate specification and expression in letters to be issued by a Papal Brief. The Ordinary of Hispalis is hereby assigned, with the strict prohibition that he presume to demand or accept any payment or reward, to diligently inquire into the matters presented; and, if the facts are as stated, and if the aforementioned woman has not been unjustly taken, he shall grant the aforementioned petitioners, after imposing upon them a salutary

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penance for this adultery and incest, and removing, as far as possible, any scandal, especially through separation at a time suitable to them, if it can be accomplished as previously stated, a dispensation, and shall declare the legitimacy of the children. Given in Rome, in the Apostolic Palace, on this day of the month and year. Series Fifth – Formula Thirty-Seventh, concerning Crimes – Committed by neither party – and Affinity – in the second and third degrees – for the aforementioned woman, burdened with children – due to a civil marriage – by a Papal Bull.

ELNEN. Most Blessed Father,

Humbly, We present to Your Holiness, on behalf of the aforementioned petitioners, Ludovic Jumet and Henrica Bourdonne, married in Einen, diocese of, that, while the aforementioned woman was validly married to her deceased husband, the aforementioned petitioners, aware that they were related by the degrees of Affinity of the second and third degrees, stemming from a common ancestor, overcome by carnal weakness, after giving each other their word regarding a marriage between them after the death of the aforementioned woman's husband, they had carnal relations with each other, and then the aforementioned woman's husband, without either of the aforementioned petitioners being involved in his death, as it pleased God, passed away.

Now, since the aforementioned woman is a widow and burdened with five children from another man, and the aforementioned petitioner intends to marry her and to support, govern, and raise the aforementioned children, and has already entered into a civil marriage with the aforementioned woman, the aforementioned petitioners desire to be married to each other. However, given these impediments, they cannot fulfill this desire without a dispensation from the Apostolic See.

Therefore, the aforementioned petitioners humbly beseech Your Holiness to grant a dispensation to the aforementioned petitioners, so that they may be lawfully united in marriage, despite the impediment of the third degree of Affinity and Crimes...

[*Latin ed. p. 75*]

FROM THE APOSTOLIC DECREE, number 75, arising from the foregoing and others, in good faith, perhaps concealed from you, and notwithstanding any other contrary circumstances, they may lawfully and licitly contract marriage between themselves, publicly, observing the form of the Council of Trent; and it is declared that the distance of the Second degree of consanguinity of the aforementioned does not impede this; and, determining that any offspring conceived after the death of the aforementioned woman's husband shall be declared legitimate, deign to grant a special grace, with appropriate conditions.

I. GRANT: As requested, with the force of authority: with absolution

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from censures, in order to achieve the effect of this grace. And, concerning the dispensation, declaration, decree, and other matters mentioned above, so that a more complete and accurate specification and expression may be made in the forthcoming Letters of the Holy See... And it is entrusted to the Ordinary of Einen, who, under penalty of absolute prohibition against presuming to demand or receive any fee or reward, shall diligently inform himself about the matters mentioned above; and, if the facts stated are true, and if the aforementioned woman was not abducted, he shall grant the aforementioned parties, imposing upon them a salutary penance for this incest and adultery, and for this civil marriage, and, removing, as far as possible, any scandal, especially through separation at a time convenient to them, if it can be done, as mentioned above, a dispensation, and shall declare the offspring legitimate.

Given at Rome, in the Apostolic Palace, on this day of the month and year. C.P.-D. Series Sixth – Formula Thirty-Eighth. Abduction - Consanguinity - In the first and second degree - For the sake of rights and to preserve the family - In place of the heterodox - By Brief.

Good MÛKILOVJEN.

Most Blessed Father,

Humbly presented to Your Holiness is the case of the aforementioned petitioners, Stanisław Charcóf, a man, and Władimira Russendorf, a woman, of the Mokilovien diocese, who, as they themselves know, and as it has arisen from this, because the aforementioned woman is the niece of the aforementioned petitioner through a consanguineous brother, they are connected by degrees of consanguinity; the aforementioned petitioner abducted the same woman, but did not know her carnally. However, the aforementioned woman was subsequently separated from the aforementioned petitioner, and was placed in a safe and free location, and she consented to the aforementioned petitioner becoming her husband.

[*Latin ed. p. 76*]

76 FROM THE SACRED DATARY. The Apostolic See consents to the present matter. For, as is stated, both the aforementioned Orator and the aforementioned Oratrix claim rights in the Principality... certainly, the legitimate possession of the Oratrix's father, so that such a Principality... and his goods do not pass to another family; therefore, the aforementioned Orators, who are truly descended from a noble lineage, and who are truly devoted to the Catholic faith, and who live under the obedience of the Holy Roman Church, and intend to live and die in that obedience, desire to be mutually joined in matrimony. But, with this impediment existing, they cannot fulfill this desire in this regard without the dispensation of the Apostolic See. Therefore, the aforementioned S. Y. Orators humbly supplicate that the Orator, who was taken, be absolved in both forums by Apostolic authority,

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and that, with these Orators, that impediment of the First and Second degrees of consanguinity, as mentioned above, and other, perhaps concealed, and all other obstacles whatsoever, not hindering, they may freely and lawfully contract marriage between themselves, according to the form of the Council of Trent; and that you deign, with appropriate clauses, to grant a special dispensation.

GRANTED AS REQUESTED, WITH THE FORCE OF FACULTY: With absolution from censures, in order to achieve the effect of this grace. And, concerning the dispensation, and other matters mentioned above, so that a more complete and accurate specification and expression may be made in writing, this shall be done by a Brief of the Holy See. And it is entrusted to the Ordinary of Mokilovien, who is strictly forbidden to presume to demand or receive any fee or reward, but shall diligently inform himself concerning the matters above; and, if the statements are true, and if the aforementioned Orators are truly devoted to the Catholic faith, and live under the obedience of the Holy Roman Church, and intend to live and die in that obedience, and if the aforementioned Oratrix, separated from the aforementioned Orator, and located in a safe and free place, consents to the aforementioned Orator being her husband, as is stated, then, having imposed upon the aforementioned Orator the salutary penance for this abduction, he shall absolve him from this offense, and grant a dispensation to these Orators, as above.

Given at Rome, in the Apostolic Datary, on the C. P.-D. day of the month, in the year.

[*Latin ed. p. 77*]

FROM THE APOSTOLIC DECREE 77, Series Sixth — Formula Thirty-Ninth, Regarding Spiritual Cognation and Consanguinity in the Fourth Degree — Granted — Due to a Mixed Marriage — By Papal Bull.

MOST BLESSED FATHER,

Humbly, We present to Your Holiness, on behalf of the aforementioned Emmanuel Dieguez and Emmanuel Garcia, residing in Quarten, diocese of Matriten, who have been living together for some years, the following matter: That, while they were unaware of any impediment to Spiritual Cognation, and consequently to marriage, because the aforementioned woman had previously taken two children, born to the aforementioned man by another woman, from the Sacred Font, they are, in the fourth degree of collateral consanguinity, connected to each other. Furthermore, the aforementioned man abducted the aforementioned woman from the home of her parents, but he did not know her carnally. Now, since the aforementioned woman, having been separated from the aforementioned man and placed in a safe and free location, has consented and continues to consent

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to be with him, and if a marriage is not contracted between them, the aforementioned woman, who is indissolubly bound, would be forced by her parents to marry a Protestant, and before a Protestant minister; therefore, the aforementioned couple desire to be married to each other.

However, given these impediments, they cannot fulfill this desire without a dispensation from the Apostolic See.

Therefore, they humbly beseech Your Holiness to grant a dispensation, absolving the aforementioned man from the sin of abduction and any other related offenses, with the aforementioned couple, so that, with all impediments of Spiritual Cognation arising from the aforementioned circumstances, and of the Fourth Degree of Consanguinity, and any other impediments, which perhaps you are aware of, and notwithstanding any other objections, they may freely and lawfully contract marriage before God, observing the proper form of the Council of Trent.

GRANTED AS REQUESTED, WITH THE FOLLOWING CONDITIONS:

With absolution from censures, to the effect of obtaining the present grace. And, regarding the absolution, dispensation, and other matters mentioned above, so that a more complete and accurate specification and expression may be made in writing, it is entrusted to the Ordinary of Matriten, who, under penalty of absolute prohibition against presuming to demand or receive any payment or reward, shall absolve the aforementioned man from the sin of abduction and any other related offenses, and shall impose upon him the penance appropriate for the aforementioned circumstances.

[*Latin ed. p. 78*]

78 FROM THE APOSTOLIC DECREE: The Apostolic Authority, in either forum, absolves, in this instance only, either by itself or through another; and, if it deems it expedient that such a dispensation be granted to the aforementioned petitioners, and if no scandal will arise from it, and if the aforementioned petitioner, having been separated from the aforementioned petitioner, and being in a safe and free place, consents to consider the same petitioner as a man, as is presented, and it is established that she is legitimately informed of the free state of the aforementioned petitioners, it will dispense, as above, with the aforementioned petitioners. Given in Rome, in the Apostolic Palace, on the day of the month and year G. P.-D. Formula for the benefit of the POOR OF SPAIN AND PORTUGAL. Most Blessed Father – We humbly lay before Your Holiness, on behalf of the aforementioned petitioners. Now, the aforementioned petitioners earnestly desire to be married to each other. But, because of such impediments, they cannot fulfill this desire in this part without the dispensation of the Apostolic See. Therefore, the aforementioned petitioners humbly beseech Your Holiness

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to grant them, with the aforementioned petitioners, that, notwithstanding any impediment and other things, perhaps concealed, and all other hindrances whatsoever, they may freely and lawfully contract marriage between themselves, according to the form of the Council of Trent, and to grant them a special dispensation. GRANTED ACCORDING TO THE REQUEST, BY VIRTUE OF THE FACULTY: And that the aforementioned petitioners, if they have been in any way involved in ecclesiastical sentences, censures, or penalties, may, for the sole purpose of obtaining the effect of this dispensation, be absolved by virtue of this petition, and are to be considered absolved. And it is entrusted to the Ordinary of the petitioners that he diligently inform himself of the foregoing, and if it is true,

[*Latin ed. p. 79*]

FROM THE APOSTOLIC DECREE, it is declared that, unless the aforementioned Oratrix was abducted for this purpose, it is strictly forbidden for her to presume to demand or extract any fee or reward, or to accept any offering. The aforementioned Orators, who are poor and wretched, and who live solely from their labor and industry, are, by Apostolic authority, granted, for the sake of this special grace, the dispensation as stated above. And with the decree that only the signature of the present petition is sufficient, and that it shall be valid everywhere in judgment and outside of it, notwithstanding any contrary rule. Given in Rome, in the Apostolic Palace, on the twenty-fourth day of the month of May, in the year one thousand nine hundred and one. G. P.-D.

NOTES.

FROM THE ANCIENT AND CURRENT STYLE OF THE APOSTOLIC DECREE: The narrative preceding the formula is to be stated. It is not forbidden to state other matters concerning the causes and the qualities of the Orators, because this may make the dispensation easier, and those matters which more fully express the honor of the Orators may subsequently be included in Apostolic letters. For the part of the devotees of those Orators: The names and surnames of the Orators must be stated for the validity of the dispensation. The diocese of the Orators must be stated. If the Orators belong to two dioceses, both must be stated. She contracted marriage by words of the future. He was completely and utterly innocent in this matter. Her origin is to be explained in terms of public honor, and that the union did not take place, and that it was illicit, must be explained. If it is from betrothal, the dissolution must be declared; if it is from marriage, the degrees must be declared, but it is not necessary to declare the distance of the nearest degree. She was raised in the Sacred Font; She received the Sacrament of Confirmation; The Oratrix; The offspring of the Oratrix. In

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spiritual kinship, the origin is to be stated, and

[*Latin ed. p. 80*]

80. FROM THE APOSTOLIC DECREE, its plurality or multiplicity must be expressed. It includes more than one offspring, and also children. Consanguinity... Affinity... pertain to the degrees. In the second, and subsequent, degrees of consanguinity or affinity, it suffices to express that the parties are in the same or a different line, and nothing else. In the first, or in the first and second, or in the first and third degrees, the impediment arising therefrom must be expressed. It must also be expressed whether the consanguinity or affinity is multiple, and the multiplicity of degrees from one common ancestor, or from several ancestors. Furthermore, it must be declared that the distance of the second degree mentioned does not constitute an obstacle. These words contain the Declaratory Letters, which are obtained together with the Dispensation as a single and identical concession; for the more remote and the more proximate degree in consanguinity and affinity must be expressed; and if there is multiple consanguinity or affinity, the proximate degree in each case must be expressed. The omission in the petition of the proximate degree, the first, renders the Dispensation null. The omission of other degrees is remedied by obtaining subsequently Declaratory Letters regarding the proximate degree. And then it must be stated in the proper form that the new grace is valid, as if the aforementioned proximate degree had been mentioned in the previous Dispensation Letters. When the aforementioned woman is in a place from which both she and the aforementioned party are descended, a special indication of the place of origin of the parties must be made, when the Dispensation is requested because of the narrowness of the place. And if they have moved to another domicile, mention must then be made of the place of domicile, if also the Dispensation is requested because of the narrowness of the place. If the aforementioned woman remained gravely defamed and unmarried. A more serious reason is if the aforementioned woman remained, not in some way, but truly gravely defamed, so that no one else would take such a defamed woman as a wife, and consequently, the danger of a greater evil does not cease. Therefore, it was previously added: that the aforementioned parties were in danger of life, which was subsequently removed; and if it is present, since it is truly extraordinary, it must be explicitly stated in order to facilitate the Dispensation. And serious scandals could verisimilarly arise. Just as the preceding defamation of the woman is for justice, for the damage to the woman; so these scandals must be removed for charity: and thus they also present a serious reason for the Dispensation. Scandals could verisimilarly arise; therefore, it is not required that they have already arisen, nor that they are certainly and clearly going to arise; but that a probable and prudent fear of them is held. Scandals, such as enmities, quarrels, the danger of fornication, etc. Both parties are ignorant of the law, namely, both

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parties. But if only one...

[*Latin ed. p. 81*]

FROM THE APOSTOLIC DECREE 81, one understands the impediment; nevertheless, because of presumed knowledge, a petition for dispensation must be presented for both parties who are aware. This applies to those who are also aware. It must be expressed that the impediment was known beforehand by the parties, and that they entered into the marriage in bad faith and invalidly. Furthermore, it would be a fraud if, after having performed the marriage ceremony, they then sought a dispensation, having entered into the marriage as a pretext. Overcome by human frailty, namely by a guilty passion; but not having performed the ceremony, they hope to obtain a dispensation more easily. They have carnal knowledge of each other. The union and incest must be explained when they are presented as a motivating cause for obtaining a dispensation. As a motivating cause; otherwise, there is no further obligation to explain the union and incest in consanguinity, affinity, spiritual and legal relationship, or public decency. They have entered into marriage with each other. The marriage, having been contracted with an impediment, and presented as a cause for dispensation, must be explained, whether it was entered into knowingly or ignorantly; whether the ignorance was of fact or of law; whether it was performed secretly or with the proper form of the Council of Trent; whether it was done through actions or omissions regarding the Ordinary's license and proclamations; whether the proclamations were fraudulently omitted; whether there was carnal intercourse; whether, after carnal intercourse, having consummated the marriage, and then discovered the impediment, they abstained from each other, or whether they persisted in the intercourse; whether all of these things were done with the intention of more easily obtaining a dispensation. And to others, perhaps, they conceal these things; namely, similar impediments. Therefore, this clause does not include impediments from which the Holy See has never granted a dispensation; nor does it include impediments from which the Holy See grants a dispensation only very rarely; nor does it include impediments from which the Apostolic Decree regularly does not grant a dispensation; nor does it include impediments that require special mention. Furthermore, other impediments are not included if they are inherently more difficult to dispense with than the impediment presented and dispensed with in the petition. They can freely and lawfully enter into marriage with each other publicly, with the proper form of the Council of Trent, that is, with regard to the presence of the parish priest and witnesses, as well as with regard to the proclamations, freely, with all coercion and fear removed; lawfully, through the dispensation from the impediment granted by the Apostolic See. They can enter into marriage with each other again, with renewed consent. The renewal of consent is absolutely necessary, or even before the

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parish priest, Acts, Vol. XXXIV, p. 349.

[*Latin ed. p. 82*]

82 From the Apostolic Brief and from witnesses, it is determined whether, even in cases where marriage must be contracted again publicly, observing the form of the Council of Trent, when the parties, having already contracted marriage once, having made public proclamations before the parish priest and witnesses, and having contracted marriage again, observing the same form, for various circumstances, it is left to the judgment of the Ordinary to define. And in determining the legitimacy of the offspring conceived. Therefore, if, perhaps, the mandate regarding the dispensation concerning a diriment impediment can no longer fully take effect due to the subsequent death of one of the parties, nevertheless, the power to legitimize the offspring remains valid. Therefore, the dispensation and the legitimation must be expressed in the Decree of the Ordinary. Let him grant the dispensation, let him determine the legitimacy of the offspring: although these two are connected and dependent on each other, they are nevertheless equally principally stated and equally principally granted. Therefore, if the legitimation of the offspring is omitted in the Decree of Dispensation, such legitimation can be made in another Decree. The offspring is declared legitimate, simply, and therefore with regard to all the effects of legitimation. The offspring, if any, and to the extent that it is necessary, is declared legitimate, while the marriage, although invalid, was contracted publicly and legitimately through ignorance; therefore, the legitimation is not necessary; and therefore, it is only for caution, as far as it is necessary, to remove any murmurings concerning the rights of the ignorant. The causes for granting dispensations were formerly admitted only for very serious reasons, and not indiscriminately for all, for the first and second, and for the second degree of consanguinity and affinity; and also, very serious penalties were imposed for incest and other crimes. Then, however, due to changed conditions of the times, a more moderate approach has been adopted regarding the ancient rigor, for the common good of souls. Nevertheless, more serious reasons are still required for closer degrees than for more distant ones. This distinction between more serious and less serious causes does not prevent, as before, so also today, the Supreme Pontiff from, in a particular case, admitting any reasonable cause that is presented to him, after having considered all that has been presented to his Holiness, either in writing or orally. A dispensation without a cause expressly stated in the petition is granted only rarely, and only for Princes and Nobles and other qualified persons, or for persons of outstanding nobility at the request of a Cardinal, Bishop, King, or Civil Prince. And then, the cause that is not expressed in the petition is not verified, but only those causes stated therein are verified, namely, the impediment alleged in the petition, and

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the quality of the persons alleged, which is then placed in the petition as a condition.

[*Latin ed. p. 83*]

E X S . APOSTOLIC OFFICE 83 By Brief; By Bull; By Letters of a lesser grade. Dispensations are granted by Brief, in the first degree, in the first and second, in the first and third, in the first and fourth, in the second, concerning public impediments arising from marriage, affinity, consanguinity; also in spiritual relationship between godfather and godchild. — Dispensations are granted by Bull and by the office of a higher grade, in the second and third degrees, in the third, concerning public impediments arising from marriage, affinity, consanguinity; and in the spiritual relationship between the parents of the godfather and godchild. — Dispensations are granted by Bull and by the office of a lesser grade, in the first degree concerning public impediments arising from betrothal, in the third and fourth, in the fourth, concerning public impediments arising from marriage; in the third and fourth, in the fourth, concerning affinity, consanguinity; in the impediment of a crime, neither party being the instigator. — If simultaneously an impediment is being dispensed with by Brief and an impediment is being dispensed with by Bull, the dispensation is granted by Brief. — First, the Supplication is signed with the granting of grace, and then the Apostolic Letters are appended to it. And it is entrusted to the Ordinary, who is to grant the dispensation, as above; therefore, the dispensation, by Apostolic authority, is to be carried out. The mandate contains the order to dispense. Therefore, those who receive a mandate to dispense from the Apostolic See cannot be considered dispensed unless by a delegated judge, with an interposed Decree. A dispensation is regularly granted only in this commissary form. In a gracious form, it is rarely, if ever, granted. He must diligently inform himself about the aforementioned matters, either by himself or by a delegate, through a summary and extrajudicial inquiry. Diligently, at his discretion. Concerning the aforementioned matters, and therefore the inquiry must extend to the impediment, to the causes, to the circumstances stated in the Supplication, e.g., to probable ignorance, etc. If the matters stated are true, they are referred, as to their validity, to the persons to be dispensed, to the impediment to be dispensed, to the reason motivating the dispensation, to the various clauses, and to other things that might perhaps obstruct the marriage. Those who are poor, that is, both of them. Those who are poor, namely, whose possessions, at the present time, do not exceed 1500 florins; quasi-poor, whose possessions do not exceed 2000 florins. By special grace granted to the Ordinaries of Sicily, those are considered poor for Sicily, who possess an annual income not exceeding 306 florins, which corresponds to a capital of 6120 florins. Those who are miserable, who, at the discretion of the executor, deserve compassion. Therefore, both poverty and misery must be verified by the

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executor. They live by labor and industry, that is, by la-

[*Latin ed. p. 84*]

8. FROM THE APOSTOLIC DATARY, both sustenance and the fruits of labor are provided. They live only from this; another way of living is excluded. — The poor of Spain and Portugal receive assistance from the Apostolic Datary, even in the form of alms; the poor of other places receive assistance from the Apostolic Datary, only in the form of common provisions, if they request it without providing any proof of poverty from the Ordinary, and if they offer a contribution of their own free will, which exceeds the customary charges levied by the Sacred Penitentiary. The scandal, as far as possible, is removed, especially through separation, if it can be accomplished. Therefore, the dispensation will not be invalid, even if, before the aforementioned separation, or during it, the parties have become carnally known. If the aforementioned woman has not been abducted for this reason, namely, to effect a marriage. She has not been abducted, even if the man has already cleansed himself from the sin of abduction. And if the ignorance of this matter is probable, namely, invincible. The dispensation shall be granted, both in the external forum and consequently also in the internal forum. The clauses explicitly stated in the forms do not exclude those that are implicitly understood from the style of the Apostolic Datary, namely, those that are understood by the very law, e.g., that they have not previously contracted marriage, or that they have contracted marriage in defiance of proclamations, etc. FROM THE HOLY CONGREGATION OF THE COUNCIL, under Pope Pius, on April 27, 1901, Session 25, Chapter 6, Concerning Reforms. Michael Di Puppo, in his last will and testament, appointed the Chapter of the Cathedral of the city of Ruben as heir to all his goods, and also named a certain pious legate as the executor. — The tenor of the legate's will is as follows: "As soon as my aforementioned movable and immovable goods shall be in the domain and enjoyment of the revenues of the praised R[e] COMPENDITM FACTI."

[*Latin ed. p. 85*]

RUBEN. To the most Reverend Canon Chapter, this [institution] will be obligated to choose two young men from its midst, who shall wear the clerical garb; however, I desire, above all, that the aforementioned Don Michele Santoro be elected, and they must be maintained for the purpose of studies in a Seminary by the aforementioned Canon Chapter, providing them with what is necessary; and then, as soon as these two young men become priests, my heir, the owner, must send them to Naples to study at his own expense for a period of three years, giving them six ducats each per month; and these young men must obtain their degrees at their own expense, and after the first ones have returned, the second ones will go to the Seminary and to Naples, and so successively throughout the world."

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"Regarding the endowment of the annual income, the aforementioned most Reverend Canon Chapter must, each year throughout the world, celebrate so many plain Masses, at the rate of fifty grains each, half in suffrage for my soul, and half in suffrage for the soul of my wife, Maria Adesi." "Each year, my aforementioned heir, the owner, will be obligated to give a complete accounting to the Most Illustrious Bishop of this diocese." The testator's will was immediately enacted; therefore, two clerics, chosen from the chapter, enjoyed this support for pursuing their sacred studies; but a certain change began to occur when, at the urging of the Bishop, the chapter members, with all their votes, decided on October 25, 1891, that the support, which had previously been distributed to two students, would henceforth be granted to five young men. — Some chapter members report that the chapter did not doubt this change, because the Bishop promised that, during the next visit to Rome, he would speak with the Most Blessed Father for the confirmation of this matter; and they believe that the Bishop did indeed do so, although no written document exists. Things remained this way until the current Bishop came to the city of Ruben, where, as he himself recounts, he encountered several...

[*Latin ed. p. 86*]

86. The Most Holy Council, on three separate occasions, received complaints regarding the improper execution of the will of Di Puppo; therefore, it determined that the matter should be reopened, in accordance with the testator's wishes, but with certain modifications to the manner in which the pious bequest was to be carried out, as the changed circumstances of the times demanded. In October of 1899, a competition was announced according to the new regulations, and two individuals were selected to receive the benefit, and five others were substituted for them, who had previously received the benefit according to the deliberation of October 25, 1891. However, the implementation of the new regulations and the subsequent competition were opposed by certain members of the Chapter, who today, in a formal manner, contradict the other members of the Chapter, in greater number, before the Sacred Congregation, and through their appointed procurator, they proposed the formulas for questioning listed below. The Bishop, when questioned about his opinion, presented many arguments concerning the state of the matter. A Synopsis of the Discussion. The advocate appointed by the dissenting members of the Chapter established two fundamental principles of law before engaging in a discussion of the individual points in dispute. First, the will of the deceased cannot, without the permission of the Pontiff, be altered in any way. This permission is not granted except in cases of urgent necessity and with due regard for the rights of third parties. Second, the rights of the Chapter cannot be changed permanently except by the unanimous consent of the Chapter or a majority of its members. The first principle was universally

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approved by all writers and was confirmed in six hundred responses, both by the Roman Rota and by the Sacred Congregation. Regarding the power to alter pious wills, the Bishop was denied this power and it was reserved to the Pontiff, and the advocate cited, among other authorities, the text in Chapter IX of *Tua nobis, de test.*: "In all pious bequests, it is the duty of the local Bishop to ensure that everything proceeds according to the wishes of the deceased." Regarding the exercise of this power, from which the Pontiff abstains whenever there is no urgent necessity and the rights of third parties are at stake, the advocate quoted Pignatelli: "This matter is most difficult."

[*Latin ed. p. 87*]

RUBEN. 87 states: "Indeed, alterations of the wills of the deceased are viewed with disfavor, because they are contrary not only to positive law but also to natural equity; therefore, they are held in horror and abomination." Council of Trent, *Codex Canonum*, vol. IV, canon 148, § 15. Monea: "In those matters which have arisen for the private benefit of individuals (which happens most often), a completely insurmountable obstacle to their execution is required (for alterations of wills), since they cannot in any way be carried out." *De Commutatione Ultimarum Voluntatum*, vol. cap. 6, § 61. And finally, the Council of Trent: "Alterations of last wills are to be made only for a just and necessary cause." Session 25, canon 6, *de Reformatione*. No less universally accepted, according to the advocate, is the second principle; for a perpetual renunciation of the rights of the Chapters is the same as a perpetual alienation, which cannot be done without a just cause of necessity or evident utility, and Pontifical approval: "In the remission of the rights of the Church, the same formalities must be observed as are required in an alienation: for it is the same thing to remit a right as to alienate it." *Rota coram Cerro Cracovien*, decimarum, May 21, 1640, p. 8, dec. 229, n. 5, rec. "Also, jurisdictions and preeminences, and other honorable and preeminent rights, which have a real utility attached to them, fall under the same prohibition of alienation." *De Luca theat. ver. et inst.*, p. III, lib. VII, *de alien.*, summ., § 20. And although a perpetual renunciation is valid without formalities, it is also universally accepted, according to the minor advocate, that a part of the Chapters dissenting is sufficient to prevent it, and to avoid damage to the Church: "One can contradict the entire university if he has a reasonable cause." *Gloss ad can. Nicaena*, 12, dist. 31, verb. *sententiam*. "Although the actions of the majority of the Chapter, for the benefit of the Church, are valid despite the contradiction of others: nevertheless, if the majority has decreed something irrationally or to the detriment of the Church, even one can contradict." Reiffenstuel, *ius. can. univ.*, *De his quae fiunt*, § 2, n. 251. — "Although

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sometimes, even in voluntary acts, the majority...

[*Latin ed. p. 88*]

88. EX -S. G. CONCILII pars Capituli potest praevalere minori in iis, quae sunt communia singulis iure Ecclesiae, non autem singulari: id autem solum procedit, supposita utilitate Ecclesiae... cum adsit notorium gravamen Capituli, sufficit unius dissensus ad praeservanda Capituli iura ». Rota Beneventan. coram Bourlemont 4 iun. 1670, p. XVI, dec. 244, § 26-28 rec. Hisce positis principiis, transit advocatus ad dubia enucleanda et contendit, diversis dispositionibus, vel unum vel alterum ex duobus principiis labefactari. Quoad primum dubium de forma concursus, memorat advocatus quod fundator pii legati suo testamento constituit: « Appena tutti i miei beni mobili e immobili passeranno nel dominio e godimento del lodato Collegio Canonicale, questo avrà l'obbligo di scegliere due giovani dal suo seno ». Ergo ius eligendi alumnos certe spectat ad Capitulum. Mox animadvertit, ad normam novarum dispositionum, hoc ius non amplius Capitulo competere. Concludit proinde hic agi de perpetua renunciatione iurium Capitularium: quare quum absque sollemnitatibus, aut certe in damnum Capituli, aliquibus ex canonicis dissentientibus, patrata sit opinio, eiusmodi renunciationem non sustineri. Eoque magis quia maior pars quae iuris alienatione consensit non legitime consensisse videtur. Nam coetus, in quo novae dispositiones sunt approbatae, non erat coetus capitularis sed coetus totius cleri Paibensis. Defuit convocatio Capituli ad formam a constitutionibus et consuetudine praefinitam: nec scriptis edita et multo minus a Capitularibus subscripta deliberatio est. Quod efficit ut consensus maioris partis non legitime praestitus, pro non praestito habeatur: « ut Capitulum censeatur aliquid fecisse, oportet quod Capitulares fuerint congregati capitulariter et cum ipsis tractatus praehabitis ». ReifRensfuel Op. et loc. cit. n. 13. Quod si obiiciatur oportuisse ut ius eligendi Capitulo adimeretur, quia Capitulum partium studio, non inspectis eligendorum qualitatibus, eligere solebat: respondet advocatus, hoc inconveniens sollemnitatum defectum in alienatione.

[*Latin ed. p. 89*]

RUBENS. 89. The executor argues that the requirements are not being met. But the aforementioned party contends that these inconveniences cannot be demonstrated, and even if they were demonstrated, they would not render the new form of election, introduced by the regulations, legitimate. Furthermore, the lawyer asserts that such inconveniences do not exist, and can be easily demonstrated. For many years, not even once, have more than two candidates been present when the places were called. Therefore, the Chapter has almost always elected all those who were nominated: and scarcely four, out of twelve students in our time, have been elected by the

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Chapter, and have been joined to any of the canons by a bond of consanguinity. Moreover, the lawyer notes, even if these inconveniences existed, which needed to be remedied, it certainly could suggest that a form of election should be introduced. But there was no reason why the right of election should not be left to the Chapter. Finally, the speaker points out that the Bishop not only decreed the election, but also imposed a certain tax (25 livres) on each candidate. This is clearly contrary to the testator's intention and the words of the will. Regarding the second doubt, the lawyer argues that the right of passive election belongs only to clerics, because in the will this right is granted: "to those young men chosen by the Chapter from its own ranks, who wear the ecclesiastical habit." But if the right of passive election has also been given to laymen "of noble vocation to the priesthood," the deceased's will is violated, to the detriment of the right of a third party, namely, all the clerics of Ruvo. But they object that the testator, with the words "young men from the ranks of the Chapter," indicated the clergy attached to the Cathedral Church, who, when their time is up, are free to also nominate laymen. But the lawyer replies that this does not at all prove that the testator called only clerics in general to the passive election: but also specifically the clerics attached to the Cathedral. From this it follows that the testator certainly wanted the clerical quality to be preserved, at least in general, if it cannot be preserved in particular. Furthermore, he adds, the place of the clergy today is, in a certain way,

[*Latin ed. p. 90*]

90. The students of the Seminary, who serve the Cathedral Church, have occupied [positions]. This, which has been observed for twenty years, since the cessation of the reception of clerics, is clearly confirmed by the advocate. For the Chapter, although it ceased to receive clerics, never appointed laymen; nor have laymen ever requested to be appointed, even in those instances in which only one cleric had requested nomination; "consideration must be given to interpreting the will of the testator." *Rota Ariminen. Secundo geniturae coram Bichio, 18 Maii 1654, p. XI, dec. 337, § 44, rec.* Furthermore, it should not be assumed – continues the advocate – that laymen were admitted because the number of clerics is now diminished. For that would suggest that laymen are admitted only when there is a shortage of clerics, and not in competition with clerics. The advocate, proceeding to the third objection, points out that the testator did not specify any age limit for the right to passive election; and rightly so, because age does not provide a certain indication. And often, with a specified age, it can happen that someone who deserves to be elected is not elected, while someone who does not deserve to be elected is elected; the testator did not specify an age; new regulations have specified it. Therefore, argues the advocate, there is another violation of the testator's will, and also of the rights of those who, according to the statutes, could be elected, but who can no longer be

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elected due to the force of the new regulations. This has happened in the most recent election, held under the auspices of the new regulations, in which many clerics of Rubensium were unable to participate because of the specified age limit. It is objected that this age limit is a law established for all clerics who are to be received into the Diocesan Seminary; the advocate replies: 1. that such a regulation for the Seminary is not mandatory, but rather encourages the admission of students under a certain age; 2. that these regulations were introduced by the current Bishop, and therefore cannot harm the pious foundation, which has existed for a long time; 3. that these...

[*Latin ed. p. 91*]

RÜBEN. 9. The constitutions, even concerning age, have sometimes been relaxed; - 4. And finally, the nomination can fall to students already admitted to the Seminary: for whom, therefore, the constitutions are no impediment. But furthermore, the advocate argues, the testator did not order that students be received into the diocesan Seminary: "in one Seminary," and indeed, it is not uncommon that those who postponed their nomination at an earlier time were, not infrequently, received into other Seminaries. Therefore, if the chosen one cannot be received into the diocesan Seminary because of age, it is sufficient that he be received into another. Finally, concerning the third doubt, the advocate notes that, although it would have been permissible to define a certain age for the right to passive election, the new dispositions have defined one that, without serious inconvenience, cannot be justified. For a boy who has barely reached ten years of age can scarcely give certain signs of an ecclesiastical vocation. And it can happen that he later renounce the habit, once, having completed his education, he has benefited from a pious endowment. Turning to the fourth and fifth doubts, the advocate recalls that the statutes strictly prescribe that students be sent to the university to complete their studies. Nor is this enough: it determines a monthly stipend, to be paid to the students while they attend the university, namely six ducats, and indicates the university to which the students are to be sent: namely, the Neapolitan University. All of this contradicts the new dispositions: for they make free what is firmly determined in the statutes, "that the Bishop believes it convenient to care for the completion of the education"; they introduce a variable stipend, while the testator wanted a certain and constant one, "to gather the chapter to determine the sum required"; and they make uncertain and variable the place where the studies are to be completed, while the testator himself designated; "a university proposed by the same Bishop, national or foreign." All of this, the advocate says, prejudices the third point. For the student, by right, can have the power to be sent to the university, at the discretion of

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the Bishop, taken away. The stipend, in

[*Latin ed. p. 92*]

92. From the perspective of the Council's decree, this [practice] can diminish [the benefit], or the expenses can be increased, if, perhaps, it is sent to an external university. But it is objected that it can sometimes happen that illness prevents the student from attending the university. Sometimes, indeed, students are found who are not suitable for pursuing higher studies. But, according to the advocate, these objections – to defend the violation of the regulations – are futile. For, when laws are established and final arrangements are made, those things that ordinarily occur are considered, not those that rarely and accidentally happen. Discussing the sixth objection, the advocate argues that the agreement reached to conform to these unlawful provisions cannot, in any way, be upheld. This is so, both because the right of selection belonged to the chapter, which could not be deprived of that right; and because laymen were admitted to the agreement through intrusion, and more clerics were unjustly excluded from the agreement because of their age. But proceeding further, the advocate believes that the agreement should be considered null, even if the new provisions are upheld; and null, either because the positions were not vacant, or because the new provisions themselves were not observed in the agreement. Indeed, the positions were not vacant; for, as the agreement indicates, five students who occupied the positions were expelled. But these five students legitimately occupied the positions, because they were legitimately elected by the chapter, and although it is said that the chapter should have elected not five, but two students, it follows that at least two of the five students legitimately occupied the positions, and were unjustly expelled. Furthermore, because the new provisions were not observed in the agreement: for these provisions stipulate that no one should be admitted to the agreement unless they have reported, to a chapter meeting convened for that purpose, that two out of three parts of the canons have stated, "that young men of noble vocation to the priesthood, in order to enjoy the benefit, should have the following prerogatives... a letter of approval issued by the Archdeacon and signed by at least two-thirds of the Reverend Canons, to whom the young man requesting the benefit will address his request." But in the meeting convened before the agreement, the validity of which is disputed, four canons out of nine who were present...

[*Latin ed. p. 93*]

RUBEN. Ninety-five petitions from the laity were rejected; and yet, the laity were nonetheless admitted to the assembly. Furthermore, neither was the assembly, of which we speak, legitimately convened, according to the advocate, nor was deliberation legitimately conducted therein. For it was convened so that each canon could express his opinion regarding the dis-

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positions, "ogni canonico e dignità darà il suo voto ragionato sul legato Di Puppo." Conversely, deliberation did not concern this matter, but rather the petitions of those who wished to be admitted to the assembly; and the Bishop decreed that, unless deliberation were held on this matter, all petitions, even those presented without the Chapter's consent, would be considered approved. Indeed, before the admission of the petitions, no discussion was instituted, which was necessary to render a vote based on certain knowledge; and several petitions, after the assembly had concluded, were admitted by the canons who favored the dispositions, by their own authority. On the other hand, certain things appear to be done in favor of the episcopal prescriptions. Indeed, the matter today has come to such a point that the question cannot be of the faithful execution of the bequest, but rather of the legitimate interpretation of the testator's will, whose bequest, since today it cannot be demanded for execution according to the words themselves, the testator's intention must be considered, and another method must be substituted which, as much as possible, adheres to the will of the testator. For it is the condition of human affairs that persons and times easily change, and the events of things necessarily deviate from the testator's will; therefore, it was necessary to establish that the executors of pious wills should, for a time, be arbitrators in assessing the manner in which the testator's commands should be observed and fulfilled. Reinffenstuel, in the aforementioned work, number 804 and following, discusses this power that the Bishop possesses in the execution of pious bequests. After stating the true rule: "Speaking regularly, no one, except the Holy Pontiff, can change the use, or the cause, of a bequest left for certain pious purposes, to other uses, even if they were evidently better, if the determined will of the deceased can be conveniently and justly fulfilled," he continues: "It is said 'regularly' because..."

[*Latin ed. p. 94*]

94. EX S. C. CONCILII: In primis, mutari potest conclusio in casu in quo causa aliqua de novo inciderit, vel testamento latuit, quam si scisset et praevideret, aliter disposuisset, et nunc quoque, si videret, contentus foret si ad alium pium usum converteretur. Lay man, loc. cit., n. 11; Covarruvias, in c. 17 de Test., n. 12, ubi, cum aliis, concedit quod si pecunia in usum minus necessarium vel utilem sit legata, potest auctoritate Episcopi in alium Christianae Reipublicae magis necessarium usum, cui aliunde sine magna difficultate subveniri non potest, convertere. Pariter, si testator certas pecunias legavit pro ornamento Sacristiae, quia tunc indigebat; interea autem ornamentis abundanter aliunde providetur; et contra, Ecclesia ruinae proxima est, poterit Episcopus, cum consensu heredis vel executoris deputati, dictas pecunias pro reparatione Ecclesiae ruinosae applicare; et id quidem non ex alia potestate proprie dispensandi voluntatem defuncti, sed ob rationabiliter praesumptam voluntatem testatoris, secundum aequi-

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tatem, uti bene observant Doctores citati.

Ceterum, quando dispositio testatoris nequeat effectum sortiri eo quem ipse praefinivit, tantum verius adiuvari, quam abrogari, censetur voluntas testatoris, si alter adhibeatur modus qui sit aptior ad assequendum pii operis finem et effectum, ut probat Rota, decis. 14, tit. 22, De legat, et fideic. particul., cor. Card. Falconerio.

Et c. Santi, h. t., n. 7, docet: « Circa modum executionis, animadverti debet officium executurum esse ut fideliter observetur dispositio testatoris. Hinc, executores neque cum consensu heredum regulariter immutare possunt etiam ultimas pias voluntates... Diximus regulariter, nam conveniunt Doctores posse executores, cum heredis consensu et Episcopi, certum pium usum in alium pium usum immutare, quoties prior obtineri amplius non possit. At semper, quo magis fieri possit, servanda est voluntas testatoris ».

Iamvero, Episcopus Ruben, hisce principiis pressius inhaerere sibi solem habet, uti patet ex eius ratione agendi, siquidem statim ac percepit violari voluntatem testatoris.

[*Latin ed. p. 95*]

RUBEN. Considering that portion which could, up to that point, be subject to execution, namely, the distribution of assistance for studies to only two students, he persevered with all his might, striving that the matter be conducted according to the demands of law. - Furthermore, the Bishop, diligently inquiring about the manner in which those who were to benefit from this assistance were chosen, discovered that, if not the very letter of the decree, certainly the intention of the pious legislator was being violated, since, when no law had been established for designating the students, it happened that the capitulars, completing the matter according to their own judgment, granted more than was equitable, preferring their own relatives, namely, their nephews, to the law of merit; but such a mode of election was certainly not the best; and from it arose endless discussions among the various families of the city. These reasons persuaded the Bishop that only one path remained for eliminating arbitrary elections, namely, to announce a competition in which candidates would demonstrate their knowledge and the honesty of their character, qualities necessary for the clerical state. The Chapter greatly approved of this proposal and did not hesitate to delegate a portion of its authority to the Predecessors of the Seminary, while also reserving a portion for itself in this examination, as determined in chapter I of the new regulations. However, not all the capitulars approved of this method of competition; indeed, a smaller part of the capitulars openly opposed it, and these today lament the usurpation of their rights by other canons, who, although in the majority, do not hesitate to bring prejudice to the university of canons, or to renounce the rights of all. - But in pursuing their intention, the opponents object to principles of law which certainly

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cannot be proven. Indeed, the deliberation of the Chapter in this case involves a certain delegation of law, but it is far from any rule of law to assert that such delegations, or even renunciations, cannot be made by the Chapter "according to the judgment of the majority, unless the approval of the Holy See is added. For this law was only spoken with regard to the alienation of Church property, but it is not permitted to anyone to apply these laws from one case to another.

[*Latin ed. p. 96*]

96 FROM THE SACRED COUNCIL: "If Doctors speak of the necessary Apostolic approval even in other matters concerning the alienation of property, they are to be understood as referring to those rights which are contained either in common law, such as the right of precedence, or are considered to be part of the patrimony, from which the possessors are deemed to become richer.

"Regarding other matters, the general rule stated under the title 'Of those things which are done by the majority of the chapter' applies, where the general law is enunciated in c. 1 as follows: 'Since in all Churches that which has been deemed best by the majority and more sound of the fathers must be observed without hesitation, it is exceedingly grave and worthy of reprehension that in some churches, a few sometimes do not allow ecclesiastical ordinations to proceed, not so much for reasons, but out of their own will.' The majority, unless the contrary is proven, is also presumed to be more sound: this is a presumption of law which yields to truth; and in this way, the Doctors assert, with a concordant judgment, that even one member can contradict [the majority]; and that his single opinion will prevail over the suffrage of all the others, provided that he proves that it is contrary to reason and law, while his own opinion is conformable to law and reason. It is for the Superior to render this judgment, to whom, by virtue of appeal, the controversy has been brought; and to this pertains the teaching of the gloss on canon 12 of the Council of Nicaea, dist. 31: 'One can contradict the entire university if he has a reasonable cause.' As an example of an exception to the rule, the principle is enunciated that all that touches everyone must be approved by everyone; but this is not the matter under consideration; therefore, the general discipline prevails, as Reiffenst. explains in this place, n. 11: 'For a chapter, college, or other university to be considered to have acted, and for its action to be valid, more is required. In the first place, the consensus of the majority of itself is required, and this is usually sufficient. Thus, in common... There is also reason; because the power of the chapter consists in the majority and more sound part of the chapter. Barbosa, cited in the treatise on canonical matters, chapter 38, n. 3, citing others. Therefore, what the majority of the chapter does is understood to be done by the entire chapter; for the majority of the chapter

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represents the entire chapter, as is stated in 1 Quod Maior, ff. Ad muni-"

[*Latin ed. p. 97*]

RUBEN. 97, using these words: "Because the majority of the council has ruled in his favor, it is as if all had acted in this way." Having noted this, the response flows readily to each of the individual questions which contain inquiries regarding the conditions now established for obtaining the disputed subsidy. – Firstly, the clerics, to whom the testator's will expressly referred, are no longer added to the Cathedral Church. Therefore, the law of competition was rightly established; but it would not have achieved its intended effect of selecting the most worthy if the opportunity to compete had not been granted to all; for it is easy for boys and adolescents to put on and take off clerical garb, and with the prospect of competition, many more, spurred on by their parents, would put on the clerical habit, solely in the hope of completing their course of studies, with the help of the most pious testator. Therefore, the opportunity granted to all, whether clerics or laymen, to compete, prevents fraud and leaves more freedom of judgment to the examiners themselves. For if the habit always, especially in that youthful age, does not make a 'monk.' Furthermore, the nature of a competition demands that a limit of age be defined; otherwise, how can the goal of emulation be achieved, and what method should be used in evaluating the merits of the candidates? – Moreover, the very Council of Trent established a limit of age in a somewhat similar manner, which was considered more suitable for accepting students into the Seminary; for it decreed in Session 23, chapter 18, concerning reforms: "In this college, let those be received who are at least twelve years of age, and who are born of a legitimate marriage, and who know how to read and write competently, and whose character and will give hope that they will perpetually serve in ecclesiastical ministries." Nevertheless, it is now our custom to receive and not to dismiss those who are supported at their own expense in the seminaries, even if they do not intend to embrace the state of the priesthood. The course of studies, since the time when the testator established his legacy, has changed so much that the universities...

[*Latin ed. p. 98*]

98. At that time, the colleges, being free from disturbance, could be frequented by clerics; today, they must be approached with caution, especially since theological disciplines have been forced to leave their ancient homes, and it is not clear where the widest freedom for all kinds of errors has been established. Therefore, clerics should only be sent to such colleges with caution, as prescribed by the recently issued Instruction of the Sacred Congregation of the Holy Office and the Holy Roman Church, and a selection should be made among these universities in order to choose the one that best suits the abilities of the students, even if this university

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is located outside of Italy; indeed, it is to be greatly preferred if it boasts the Catholic name. - If the Bishop and Chapter are granted this choice, it follows that they can also determine the amount of assistance, according to the different conditions of the places. From what has been said, it is clear that both the form and the conditions of the competition are legitimate; therefore, a competition held on October 31, 1899, cannot be challenged on this basis. However, the competition can be challenged by opponents if it is shown that the legitimate right and possession of five students have been violated. - But the very statement of the complaint reveals the error on which it is based. For, it is said that five students are legitimate possessors of the assistance that the testator expressly granted to only two. - Therefore, even the external appearance of legitimacy was lacking, and the possession was more accurately described as an usurpation. However, the opponents argue that at least two of the five should be retained in their already obtained possession of the assistance. But this is where the work and the labor lie. Indeed, it was not possible for the Bishop or the Chapter to retain one and dismiss another; a competition must be held, or another method of legitimate election must be employed. How the matter proceeded in fact, whether the five students were all dismissed because they were unworthy, or because they did not in any way experience their rights, or for some other reason, it is not permissible to say, because the facts are not explained in the records. Therefore, a more detailed account of the facts is to be expected from those who are concerned. With these premises established, assumptions must be clarified.

[*Latin ed. p. 99*]

RUBEN. 99 Doubts I. Whether and how the regulations concerning the competition, introduced on July 10, 1899, and February 8, 1901, for the selection of students, are to be maintained in this case. II. Whether the right to participate in the election applies only to clerics, or also to laymen, in this case. III. Whether a specific age limit should be established for the right to participate in such an election in this case. IV. Whether the Bishop and Chapter are free to send the selected students to any university, or at least to choose the university to which they are sent, in this case. V. Whether the Bishop and Chapter have the right to determine the amount of monthly support to be assigned to the students sent to the university, in this case. VI. Whether the competition held on October 31, 1899, should be maintained in this case. RESOLUTION. After deliberation, the Holy Congregation decided to respond as follows: To I. Affirmative, with the provision that the Chapter may choose among those approved. To II. Negative regarding the first part, affirmative regarding the second part. To III. Affirmative, with a determined age, beginning at 12 years of age, and completed at 16 years of age. To IV. Affirmative, subject to the law that priests are to be sent to either Naples or Rome to the ecclesiastical university. To V. Affirmative,

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provided that the annual support does not exceed five hundred livres. To VI. Deferred, and to be written to the Bishop, because five clerics, about whom this concerns, have been deprived of support. All matters having been concluded with the Most Holy.

[*Latin ed. p. 100*]

THEANEN. MISSAS CONVENTUALIS, die 17 Iunii 1899, et 27 Aprilis 1901. Sess. 23, cap. I, De Ref. Ecclesiae Cathedralis Theanen. Capitululum quod hactenus lege usum est, videlicet moribus regebatur iampridem receptis, hodie iussu S. C. C., suis constitutionibus conscribendis et stabiliendis rite incumbit. Interea consuetudinibus ad examen revocati, Capituli Decanus, Collegii prima dignitas, ratus est se adhuc onere gravatum fuisse quo revera non obstringitur. Siquidem in hac Ecclesia antiquus est mos, quodam decreto Episcopi scopi De Vecchis, edito a. 1803, confirmatus, quapropter in festis solemnioribus, Decanus, impedito vel absente Episcopo, Missam solemnem celebrare debet. Cui oneri hodiernus quoque Decanus non secus ac eius decessores ita satisfecit, ut Missam caneret, eamque, veluti conventualem, applicaret pro benefactoribus; quod si per se hoc praestare non potuisset, alteri, eius nomine celebranti, in more habuit eleemosynam in hunc scopum praebere. Exinde ab onere Missae conventualis relevabatur unus ex quatuor canonicis Hebdomadariis, quorum est, alternis hebdomadis, Missam celebrare et applicare conventualem. Hoc autem non iure fieri arbitratus est Decanus; postquam perlegens Canonistas de hisce quaestionibus pertractantes, ob oculos habuit quoddam S. C. C. rescriptum datum in Sebenicen. die 4 Martii 1876 (1), quo edicebatur canonicos hebdomadarios non eximi ab onere celebrandi et applicandi Missam conventualem, quando Missa solemnis canitur vel ab Episcopo, vel ab aliqua Capituli dignitate, vel ab eius substituto; siquidem in dicta causa propositis dubiis: I.

COMPENDIUM FACTI. (1) Quaestio haec relata fuit in Vol. IX, 351.

[*Latin ed. p. 101*]

THEANEN. 101. Concerning the application of the solution in the celebration of Mass on the days of the Bishop, it must be applied to Benefactors in general, in the case: And to the extent that it is affirmative, II. Whether this first substitute is legitimately hindered from providing alms for the Mass on the days of the Bishop, to the Canon who succeeds him by right of devolution, in the case: it was decided: To \. Negative; and that the Mass for the Benefactors should be celebrated on that day by the hebdomadarius: To 2. As provided in 1. The intention of the Dean, asserting the force of this decree, is achieved by the hebdomadarii who contend that the Dean should not only celebrate but also apply the conventual Mass on the prescribed days, since they are obligated to do so. The Bishop, when questioned about

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his vote and for information, recounted many things concerning the history of this question. A synopsis of the ARGUMENTS OF THE HEBDOMADARII. Whatever may be the case regarding those things which the Bishop historically and eruditely narrates concerning the origin and office of the Cardinal Hebdomadarii; and his opinions are certainly not agreed upon by all scholars; what is of interest to us, the Capitulars, contradicting the intention of the Dean, especially note these words: "The prefect of the choir performs the office on more solemn and Episcopal days, in order, with Dignities, and if the Bishop does not wish or is absent, they must sing the Mass. If they are lacking, the Canon Hebdomadarius succeeds them." From these words, the hebdomadarii infer that the capitular constitutions require that the hebdomadarii not celebrate the conventual Mass on these more solemn days, unless the Dignities are lacking, and that it is therefore the duty of the Dignities to fulfill the obligation of the conventual Mass on such festive days, except in the case of a legitimate impediment. Hence, they infer that the Dean argues wrongly in contending that the rescript issued in the case of Sebenicen should be referred to and applied to the present controversy. The opponents admit that the resolutions of the SS. Congregations have force in similar cases, but that they are by no means the same and should be urged for completely dissimilar cases. Indeed, in these questions, the matter is...

[*Latin ed. p. 102*]

102 FROM THE STATUTES of the Council, it is to be determined according to the statutes and foundations of the Chapters. But they say that in the Chapter of Sebenico, the common Mass is not present, to which they might participate, and therefore, all and each of the Canons are lacking in offering it, as is done in the Church of Theane; but the Canons of Sebenico enjoy entirely distinct offerings. Furthermore, these Canons, and there are six of them, two holding dignities, and four simple Canons, celebrate the conventual Mass in alternating weeks, in a certain order; while in the Chapter of Theane, four out of twelve Canons are constituted as hebdomadarii, that is, those burdened with celebrating the conventual Mass for the week, according to the table of Bishop De Vecchis. Therefore, they conclude, there is a vast difference between the foundations of one Chapter and the other. Wherefore, they insist that, without any foundation in the matter, a distinction has been introduced by the Dean between the celebration of Mass and its application; because, both according to established customs and from written documents, the obligation of offering the Sacred [Mass] for Benefactors has always been expressed by the words "to celebrate or to sing Mass." Indeed, in the books of Masses of the Deans, for already 150 years, those who have celebrated Mass have professed to apply it [for the benefactors], as has been done up to now by the present Dean, who, furthermore, as their adversaries report, when he was counted among the heb-

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domadarii, before obtaining the Deanery, vehemently opposed the Dean's intention of exempting himself from the obligation of applying the Mass, by transferring it to the hebdomadarii. Therefore, the accusers appeal to an observance of one hundred and fifty years, or to prescription, which, since it is so long and almost unmemorable, is certainly a better title than any other in the world. Finally, they appeal to equity; because while the other Canons enjoy small prebends, namely, 8 books of Penitentials, or 200 or 300 books, they are obliged to hear sacred confessions and to explain the sacred Scriptures. But the Dean receives 1400 books.

[*Latin ed. p. 103*]

CHAPTER 105. THE RIGHTS OF THE DEAN.

He [the Dean] defends his position, first of all recalling the warning of Benedict XIII in the Roman Council, in the year 1725, title I, chapter V; namely, "That Bishops, when examining the Chapter Statutes, should admit only customs that are reasonable and honorable, and if they find any that deviate from reason, they should either correct them, or decree that they be entirely abolished, and that nothing in them should exceed the disposition of the law, or the decrees of the Congregations." He believes that among unreasonable and dishonorable customs is that which he himself disapproves of; since, he says, it is not reasonable or honorable for the Dean to bear the burden on solemn days that belongs to the hebdomadarius, namely, to sing the Mass; and furthermore, to impose on him the same burden of applying the same Mass as a conventual Mass; from which all inconvenience is caused to the Dean; and from which all advantage is gained by the hebdomadarius, although these, by their special office, ought to satisfy the Conventual Mass. Therefore, the Dean argues that the decision of the Sacred Congregation of Councils in *Sebenichen*, already cited, should be followed, which, distinguishing between the burden of celebrating Mass and the burden of applying it, responded negatively to the question of whether the Mass should be applied for the benefactors on that day by the hebdomadarius. Furthermore, it is established from the resolutions of the Sacred Congregation of Councils, especially in *Collen*, *Applicationis Sacrificii*, December 17, 1676, book 4, Decrees, page 4, and many others, that the celebration of Mass does not necessarily entail its application. Thus, Benedict XIV, in *De Sacrif. Missae*, book 3, chapter 9, teaches that one can bind a priest in a bequest to celebrate Masses, but not to apply them to the founder; and the Sacred Congregation of the Holy Office, in response to the question: "Whether a priest is obliged to celebrate for the bride and groom in the celebration of marriages," replied: "The priest is not obliged to apply for the bride and groom unless he receives alms from them." Furthermore, the Sacred Congregation of Rites, in Avezzano, on November 13, 1831, in response to question 20, among the Cardinals,

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number 4669, decreed: "Since the Bishop must apply for his flock on festive days, the question arises whether the Bishop, on these festive days, is otherwise obliged to..."

[*Latin ed. p. 104*]

From the Sacred Congregation, it is taught that the Canons ought to sing the Conventual Mass for the benefactors, and when; – A response was given: "The hebdomadarius [a cleric responsible for a week's services] or he to whom the duty of the Conventual Mass is assigned, should celebrate it, either before or after the Pontifical Mass." Thereafter, the Dean notes that, if the Bishop is hindered or the See is vacant, the celebration of the Pontifical Mass pertains to the Dean or the most worthy member of the chapter; but the application for the benefactors, in general, should be made by the hebdomadarius, either before or after said Mass. Therefore, D'Annibale III, no. 178, note 7, teaches: "But when the Mass is celebrated pontifically by the Bishop, if he is hindered, or the See is vacant, the Bishop should sing it himself, being the highest in dignity; and if he is hindered, the second in dignity; and so on, and if all the dignitaries are hindered, the Dean (or senior) should sing it." (Sacred Congregation of Rites, Decree of 5 December 1822). However, the obligation of the application pertains to the hebdomadarius. (Sacred Congregation of the Council, 4 March 1876). The Dean argues that this decision of the Sacred Congregation, in the case of Sebenico, on 4 March 1876, also applies to the present question, because it authentically interprets the disciplinary law of Trent and establishes a certain law for all similar cases, according to the opinion of St. Thomas, in *Summa Theologica*, I-II, question 94, article 5, who states: "Wherefore, the resolution of the Sacred Congregation of the Council, in the matter of the disciplinary law of Trent, exhibits an authentic and juridical interpretation of a certain Decrees of the Council... Therefore, by it, the meaning of the Tridentine disposition is determined, and accordingly it is to be held in place of law, and is to be extended to, and applied to, similar cases." Furthermore, the Dean contends that the present case is not merely similar, but identical to the question of Sebenico; because in that case, the Canons, by virtue of their office, were bound to celebrate the Conventual Mass in a certain order, and the question was whether they were exempt from this obligation when the dignitaries or the more worthy members of the chapter celebrated Mass on the days of the Bishop. But, he insists, the same question is being raised today. And in fact, he observes: "that the obligation to sing and to absolutely apply the daily Conventual Mass for the benefactors in general in our Cathedral, for a special circumstance, falls absolutely..."

[*Latin ed. p. 105*]

THEANEN. 105, according to the testament of four Monsignori Canonici. Thus, four prebends were created, to which the intrinsic obligation

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of singing and celebrating the conventual Mass was attached, so that these four Canonici also hold the title of Prebendarius or Eddomarius. For this reason, the four Prebendarii Eddomarii, in addition to the canonical stipend they receive from the common chapter mass, equal to all the other canonici, also receive annually approximately 300, 400, and sometimes even 500 lire from their respective prebends, but with the intrinsic obligation for each of them to celebrate approximately 100 annual conventual Masses, in addition to a few other Masses that must be offered for the intentions of those invested with the theological and cardinalatial offices. "Quia Hebdomadam ex adverso, opponunt consuetudinem contrariam magis quam centenariam et appellant ad Tabulam Missarum praescriptam a. 1803 ab Episcopo De Vecchis in qua firmantur veteres mores, respondet Decanus post Const. Cum semper oblatas Bened. XIV, frustra provocari ad consuetudinem vel immemorabilem ; siquidem Summus Pontifex hanc irritam reddidit et declaravit iubens : « Missa conventualis de officio currente singulis diebus pro benefactoribus in genere applicari debet, etiamsi in erectione Capituli nullum verbum de applicatione factum fuerit, et non obstante consuetudine immemorabili ,ex iguitate redituum neque alia quacumque ratione ». Denique haec advertenda videntur. Sane, ex iure communi, prouti aperte docet S. C. C. responsio in citata Sebenicen. si in diebus Episcopi vel in aliis solemnioribus diebus Capituli Praepositus vel aliae dignitates aut respective seniores, ex certo ordine Missam canere debeant, eamdem quasi conventualem applicare non tenentur. Siquidem onus celebrandi pro Benefactoribus in genere Missam conventualem ad eum spectat qui eamdem canere deberet, nisi dies incidisset solemnior. Ast explorati iuris est, legi communi per praescriptionem aut per privilegium non semel derogari unde oritur ius speciale. In themate quaestio est, an per

[*Latin ed. p. 106*]

106. Regarding the observance of one hundred and fifty years of the decree of the Council, the Deans have undertaken the obligation of celebrating Mass and applying it on more solemn days. Indeed, it is established without any doubt that the Deans have celebrated and applied Mass as a communal offering. But today, Dean Maniglia objects, citing not only common law, but also the express will of Pope Benedict XIV, who, in the Constitution "Cum semper oblatas," declared that no custom, however ancient, is valid against the obligation of the communal Mass. However, it is important to note that the intention of the Pope was to ensure that the obligation of celebrating Mass for the Benefactors was maintained, against any custom that could be considered an abuse or corruption; but not to impose such a strict precept that any prescription aimed not at extinguishing the obligation, but at transferring it from one person to another, would

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be rendered null and void. This distinction between a prescriptive rule that extinguishes an obligation and one that transfers it is well known to Canonists. Thus, in law, it is established that subordinates cannot prescribe obedience against a superior, as expressed in chapter 12 of the De juraescript. However, this chapter is commented on by Reiffenstuel, De praescript. 53, who notes: "Although no one can prescribe against obedience and visitation in such a way as to obtain complete and absolute exemption with respect to all ecclesiastical superiors, and to be subject to no visitation by them; nevertheless, obedience and visitation due to a superior can be prescribed in a transferrable manner, namely, so that obedience is owed to another, such as a Prelate Regular or another Prelate, or at least immediately to the Supreme Pontiff, and visitation is due to that person." Thus, the Abbot..., and Barbosa, citing others..., Pirhing..., Engel..., and others, state. Therefore, the wisdom of the Most Reverend Fathers will deliberate on whether, even if, from the beginning or by virtue of the founding documents, the obligation of the communal Mass did not belong to the Dean, it could subsequently be transferred to him by virtue of prescription. But I say,

[*Latin ed. p. 107*]

THEANEN. 107. A matter which, from the beginning, did not pertain to it, for the origins of such customs are obscured by the darkness of distant antiquity, and the most prudent judgment of Abbot Giordano was disregarded... nothing was seen to be changeable in it, although its origin is unknown; for, not all things prescribed by our ancestors can have a reason given for them. On June 17, 1899, in the Plenary Assemblies of the E.E.P.P., this question was raised, with the following form of inquiry: "Whether, on solemn days, when the Dean sings Mass, it is fitting for him to apply the Mass for the benefit of benefactors in general, or whether this pertains only to canonical hours on those days." The response was: "Deferred." Meanwhile, in August 1899, Dean Maniglia, who had initiated the inquiry, passed away; therefore, the matter remained suspended. However, the current Dean, on January 30, 1901, declared that a definitive judgment should be issued. The current Dean, in the booklet that is circulated, has noted certain things, which, nevertheless, contain the substance of what was stated previously. Nevertheless, certain observations have been made to bring the matter into greater clarity. Because the Dean has great confidence in the rescript of the Sacred Congregation, published in the *Acta* of March 4, 1876, it is helpful to recall: "The canons and mansionaries of the Cathedral of Saint Peter, which remained under the dominion of the Republic of Venice as long as that noble Republic flourished, at various times, in various ways, applied the conventual Mass. 'First, they applied the same Mass for the most serene Republic, from which they obtained an exemption from contributions. Then, for the Emperor of Austria, under

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whose dominion Venice fell. 'The Mass for benefactors in general was applied either only on Sundays, or not at all, contrary to the sanction of the canons. 'But from June 30, 1828, by Apostolic Letters from Pope Leo XII to the aforementioned Chapter, the status of that Chapter was changed. Therefore, that Chapter, from this time..."

[*Latin ed. p. 108*]

408 From the decrees of the Holy General Council, it was established that there were only four canons, together with two offices: namely, the Provost and the Dean. To each canon, an annual pension was assigned by the government; and this method of celebrating the conventual Mass was maintained until the year 1840. "However, the Ordinary, after hearing and with the consent of the Chapter, on June 7th of the aforementioned year, decreed that the conventual Mass should be celebrated according to the regulations of the Holy Canons and, in particular, the Constitutions of Benedict XIV. Since the oblations were offered daily by the Chapter members, without distinction of rank, in turn, and applied for the benefit of the benefactors in general, as well as on the days prescribed by the general rubrics, the second and third Masses were subject to obligation. "By this decree, the canons were released from the obligation of singing the conventual Mass on weekdays, since it began to be celebrated and applied daily in turn by the canons, except for certain solemnities, in which the Provost and Dean, specially designated by the Chapter, were obligated. The second and third Masses, however, began to be celebrated on the days designated by the general rubrics, but with free application. Having explained these matters concerning the custom of the conventual Mass, the Chapter members reported that sometimes a canonry or office became vacant, and then the celebration of the conventual Mass is indeed performed in turn by others, or by another office, or by the senior canon according to the law of devolution, but with free application. "Similarly, it is the custom in the aforementioned chapter that when the episcopal see is vacant, or when the Bishop does not perform his pontifical duties, and the first office, namely the Provost, is hindered, then, according to the statutes of the chapter, the celebration and application of the conventual Mass, on days when the Bishop would normally be present, is assigned to that canon who represents him, according to the law of devolution, except for the first Mass on the feast of the Nativity of Our Lord Jesus Christ, which is for free application." "It should also be noted that the canons are now in such a condition that they receive from the civil government, from the religious fund,..."

[*Latin ed. p. 109*]

THEANEN. 10. Et accipient pensionem mensilem. Sic ut pensio pro Episcopo, cum sede vacante, et pensiones canonicatuum vel Dignitatum quae

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vacant apud religionis fundum, maneant. Alium haud extare fundum qui eleemosynas praebeat pro Missis conventualibus celebrandis tempore vacationis, ab illo, ad quem iure devolutionis pertineat ». Ex qua facti specie evincitur, praeter alias differentias iam notatas inter illum casum et casum hodie controversum, advertendum esse in Capitulo Sebenicen, legem Missae conventualis nunquam fuisse rite observatam, et hinc iure merito S. C. C. nihili fecisse morem, qui non secus ac in aliis casibus, praeseferebat iuris corruptelam; proindeque lex instauranda erat funditus, nulla habita ratione receptorum morum. Ex adverso in casu nostro consuetudo iam a 150 annis inolevit, et (quod sapientissime advertit Antistes Giordano) non de omnibus quae a maioribus nostris praescripta sunt, ratio reddi potest. - Posita autem observantia ipsum factum iubet praesumi titulum seu obligationem legitime susceptam a Decano celebrandi et applicandi Missam. Imo in praeterito folio assertum fuit, hunc titulum posse derivari etiam a praescriptione, vi consuetudinis, quae reprobatur uti corruptela iuris quatenus tendit ad abolendum onus celebrandi Missam conventualem, sed minime quatenus hoc onus de uno in alterum transfert. Verum Decanus, ex actis visitationis Episcopi Giordano 1753, refert, onus Missae conventualis attribui tantum Hebdomadarius, his verbis: « Missa conventualis (habetur) quae ad S. C. praescriptum quotidie et celebratur et applicatur pro Benefactoribus in genere, et hoc onus, ut mox minimus, est quatuor praebendatorum ». - Nihilo secius graviora videntur verba quae continentur in tabella Festivitätum Episcopi Del Vecchio, relata in folio, in qua dies celebrationis Missae conventualis distribuuntur inter Dignitates et Hebdomadarios; quae distributio est pene ridicula si revera Missa conventualis celebranda et applicanda esset ab Hebdomadariis exclusive omnibus et singulis diebus. Quare in...

[*Latin ed. p. 110*]

110 From the account of the Holy Visitation of the years 1753, cited above, from the Holy General Council, it must be understood that it is the duty of the hebdomadarius [weekly priest] to celebrate the conventual Mass weekly, that is, daily, except on certain more solemn days. — Indeed, in the acts of the same Visitation, it is read: "The choir prefects must perform their duties on solemn Episcopal feasts, in order, and the Dignities and the Mass must be sung (unless the Bishop is unwilling or absent). If they are lacking, the hebdomadarius succeeds. On the other days, both on feast days and on weekdays... four canon praebendati sing the conventual Mass." But if the hebdomadarius succeeds when the Dignities are lacking, then the Dignities have the duty on those days of celebrating and applying the conventual Mass; and this obligation, subordinate to the duty of the Dignities, is no less clearly expressed by the other words: "on the other days, the conventual Mass is sung by four, etc...." — Furthermore, the general rule is, as explained by Benedict XIV in *De sacra et privata Missa*, book 3,

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chapter 9, paragraphs 1 and following, that when the duty of celebrating is imposed, the obligation of applying [the Mass] is also included, unless the contrary is stated; and the same Pontiff, in the Constitution *Cum semper oblatas*, §§ 12 and 20, speaks indistinctly of the duty of celebrating the conventual Mass and of applying it, since one necessarily follows the other, according to the general rule. What is done concerning Aversa has already been considered in the preceding page and is explained by the Dean in the pamphlets that are printed and circulated. With these things added, the purpose was to resolve the doubt: Whether, on the more solemn days, on which the Dean sings the Mass, it pertains to him to apply the Mass for the benefit of [certain individuals]; or whether this pertains to the hebdomadarius in that case.

RESOLUTION. The Holy Council, after discussion on April 27, 1901, decided to respond: "Affirmatively to the first part; negatively to the second part."

[*Latin ed. p. 111*]

PITILIANEN. DECREE REGARDING THE VALIDITY OF MARRIAGE. Dated September 1, 1900. Session 24, chapter 5, concerning impediments to marriage. SUMMARY OF THE FACTS. John Baptist and Mary, a widow of another husband, were lawfully joined in marriage on February 9, 1874, in the parish church of the city of Pitilianen, where both resided. For approximately nine months, the spouses lived together, sharing the same bed; but, if you were to hear them now, they would attest that during the entire period of their cohabitation, they never consummated the marriage. Indeed, according to the concordant testimony of the spouses, the husband, on the very first days of marriage, being affected by modesty, did not approach his wife to consummate the marriage; and soon afterward, suspecting that his wife was already pregnant from an illicit union, he refused to fulfill his marital duty, which led to arguments and disagreements between the spouses, ultimately resulting in the separation of the couple after eleven months. Meanwhile, the husband, after eight years, contracted a civil marriage, as it is called, with a certain Finocchi, with whom he had children, and with whom he still lives. The woman, in turn, using the same profane rite, married a certain Angel Bertucci seven years later; after his death in 1882, she entered into a relationship with another man, with whom she continues to live in a scandalous concubinage. Now, after twenty-five years, the spouses, having become penitent and desiring counsel, sent a petition through their own Bishop to the Most Holy Father, earnestly requesting a dispensation from the valid but unconsummated marriage. SYNOPTIC DISCUSSION. The question presented to us by this Holy Congregation concerning the validity of a marriage is a rather subtle one. VOTE OF THE

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CANONIST.

[*Latin ed. p. 112*]

112 FROM THE SUMMERY OF THE COUNCIL. Concerning John Baptist and Mary, and, with this established, it is to be considered regarding the dispensation. John Baptist validly contracted marriage on the 12th of February, 1874, with Mary, who was a widow after the death of another husband since the year 1873, and who had already had two sons. John and Mary lived together for almost a year, amidst mutual quarrels and injuries, and finally separated. After eight years, John Baptist, before a civil official, took a certain Finocchi as his wife, from whom he had sons, and with whom he still lives. With the same profane rite, Mary, after seven years, gave herself to a certain Angelo Bertocci, who died in the year 1882, and then, in the year 1890, to another, Nicholas Cappelli, intending to validly contract marriage with him as above, but she was forbidden; yet, up to now, she still lives with him. These are the spouses who now, after 25 years, assert the non-consummation of the marriage, first because of shame on the part of the husband, and then because of the husband's suspicion that his wife, Mary, was already pregnant by another man, and they request a dispensation concerning the validly contracted, but unconsummated, marriage, so that they may rightly enter into marriage, that evils may be remedied, scandals removed, the salvation of the petitioners considered, and the sons of John Baptist may be declared legitimate. Regarding this assertion and supplication, the Bishop of Pitianensis, having been granted the authority by this Sacred Congregation, has carried out a canonical process. These spouses now seek that a seal be affixed to all these public facts after 25 years have passed, amidst scandalous relationships, fearing nothing. – Assuming now, according to the assertion of the spouses, that there is a validly contracted, but unconsummated, marriage; is there not a reason for requesting a dispensation? Here, we are not dealing with the power divinely conferred upon the Pope, as Christ's Vicar, regarding the dispensation of a validly contracted, but unconsummated, marriage; for, by analogy of dogmas and similar facts, it is certain to me that Christ's Vicar possesses this power, and to doubt this is like sacrilege. The entire question revolves around a grave, indeed most serious, reason for requesting such a dispensation in the present case.

[*Latin ed. p. 113*]

PITILIANEN. 113 All the Reverend Fathers, concerning the dispensation about which we are speaking, unanimously maintain that there is a most serious and urgent cause, and likewise a most weighty reason for procuring a dispensation, both for the sake of some public good and also for the repair of some public evil. Indeed, it is not easily found in the present case a cause that is most urgent, nor a reason that is most weighty, for the

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dispensation. There does not appear to be a most urgent cause, since the matter in question has existed for many years with the same circumstances. There is no public evil to be repaired, absolutely speaking, because after so many years, this matter has become obsolete and, in fact, little observed, so that, as the female witnesses assert, Mary is considered by all to be a most religious woman. Indeed, John Baptist confesses that not only is his manner of living wondrous, but that, through the persuasion of his relatives and friends, he contracted civil and adulterous marriages, "advised by some relatives and friends." If, therefore, Mary and John Baptist sincerely desire the salvation of their souls and aspire to participate in the sacraments, and if they also wish to remove the scandal of so many years and to offer to their fellow citizens signs of their conversion from their past bad lives, let them return to the marriage once freely and publicly contracted before the Church; which, if they do not wish to do, they are not compelled to do, but let them separate from those who are not their spouses; Mary has legitimate children; and John Baptist, on the other hand, should have his own natural children accepted by Finocchi. In this way, scandals and evils in this small place, Pitilianus, are repaired in a better and more effective way than by requesting from the Church that a publicly entered marriage be annulled after 25 years, and that two adulterous unions be publicly acknowledged; especially in our times, when civil authorities daily support similar unions lightly and inconsiderately. Therefore, it is not undeservedly permissible to doubt, from what has been said, the existence of a most serious cause and a weighty reason. Furthermore, the words of Benedict XIV (in I. 6, c. 4, n. 5 de Synodo Dioec.) are not foreign to the present case. He himself speaks of marriage contracted in infidelity, Act. Tom. XXXIV. fase. CCCXCVIII. 8.

[*Latin ed. p. 114*]

114 From the decree of the Council, it is stated: "It was questioned whether the Supreme Pontiff... possessed the supreme authority to... relax [the bond of marriage]... Given the power granted to the Pontiff to dissolve the previous bond of marriage... it was rightly doubted whether there were present the most serious causes, which are necessary in order that a marriage may be dissolved by Apostolic dispensation." This testimony has even greater force in our case, concerning Maria and Ioannes Baptista. The principal cause of the division between these spouses were mutual vices, quarrels, and discord. Francisca Macchioni testifies: "I have often saved Maria from imminent suicide, attempted out of despair at not being able to live with her husband." From these statements, we conclude: 1. The deposition of the two spouses is not so harmonious as to inspire confidence, especially considering the piety and Christian life of both were somewhat lacking. 2. Therefore, it is permissible to doubt the assertion of the marriage not being consummated, and this would be more credible if it were proven

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to have arisen from mutual consent, or from some natural impotence, or from a pious purpose or virtue of religion; on the contrary, Maria, as she confesses, perhaps tried more than was permissible to consummate the marriage. 3. There is not a manifest existence of a most serious and necessary cause, and it seems to us that, as others believe, it would cause more scandal to the weak and sorrow to the good, than the voluntary and bad life of Ioannes Baptista and Maria, because they, as faithful, had approached the sacred and perpetual bond of marriage. 4. Because the Church is a loving mother to her children, we do not wish, while saying this, that they be treated harshly; but we learn, paying attention to what Benedict XIV states in Constitution 33, Bull. 1.1, *Dei miseratione* [by the mercy of God]; for it requires that the non-consummation of a marriage be rigorously examined and proven. Thus, also, considering the words of St. Gregory the Great: (hom. 34 in Evang.). "One thing is concerned with the type of pride, another with zeal for discipline." And if benevolence prevails, let it be with hope.

[*Latin ed. p. 115*]

PITILIANEN. 115 Regarding causes for dispensation, etc. "That which is graciously granted to one ought not to be imitated by others" (Reg. Iur. 74 in 6). OPINION OF THE THEOLOGIAN. After a properly conducted process in the Piti lian court, by a pontifical delegation, and having been charged with investigating whether there are causes for a dispensation and whether the marriage can be proven to be unconsummated, it appears to me that grave causes are present and that the lack of consummation can be established; therefore, regarding the question: Should one consult...? I believe it is safe to answer: affirmatively. Regarding the causes; serious reasons immediately arise from the reading of the petitioner's document, and indeed, they are presented by the man in his testimony before the Judge, namely: "In order to put my conscience in order and to be able to receive the Holy Sacraments, which I have not received for so many years, and for the good of the children who are to be legitimized, and to remove a scandal known throughout the country, which has lasted for 25 years." To these must be added the mutual aversion and the impossibility of reconciliation asserted by both spouses. Regarding the lack of consummation; when dealing with spouses who have lived together for some time, and with a woman whose virginity is in question, recourse cannot be made to the coarctation [of the hymen] nor to physical evidence; therefore, all proof must be based on moral argument. Indeed, the moral argument, or the sworn testimony of the spouses regarding the lack of consummation, if supported by seven witnesses, and corroborated by other presumptions and supporting evidence, is considered sufficient, not only according to the opinions of the Doctors (Sánchez de matrimonio lib. 2, disp. 23, n. 1; Cosci de sep. thori lib. 12, c. 2, n. 146; Ursaya, etc., etc.), but also according to

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the practice of this Sacred Congregation, as is often the case where, based solely on this evidence, a conclusion of lack of consummation is reached, even when the spouses have lived together and slept together, for "the cohabitation of spouses does not make the marriage lose its quality and denomination as a sacrament, when it has not been consummated with effect" (Corrad. in Praxi dispens, lib. VIII, c. 7 n. 32; Parisien, matrimonii 28 Martii 1896).

[*Latin ed. p. 116*]

116 FROM THE HOLY GENERAL COUNCIL. Moreover, in the case where the sworn testimony of the spouses is presented regarding the lack of consummation, there is the testimony of seven witnesses; indeed, there are further aids and presumptions, which demonstrate that all possible faith must be given to the spouses. Therefore: I. The sworn testimony of the spouses is presented. Each spouse, under oath, when questioned by the Judge: "Did you consummate the marriage?" answers: "No, sir." II. The testimony of seven witnesses is complete, that is, seven witnesses from the side of the man and seven from the side of the woman; to which must be added seven other witnesses summoned by order, who all, with one voice, declare that they have full faith in the testimony of the spouses, and also praise the moral qualities of both. Thus, for example, Brizi Salvator testified about the man: "I assure you that he is religious, he always goes to Mass and to the sermon, and he lamented living like the beasts because he could not receive the Sacraments." Thus, Antilia Bartolini testified about the woman: "Everyone knows her to be religious, that she frequents the Church, and that she has raised her children well; that she then went to live with other men was only driven by extreme necessity, otherwise she would not have done so." III. Finally, there are further presumptions and aids, which demonstrate that all possible faith must be given to the spouses. And indeed, I, regarding the testimony of the spouses: a) Their concordant sworn testimony acquires considerable force, because it is not bare, but the spouses have also explained the causes of the lack of consummation, and although they agree in the essential points, they differ in the accidental details, which is an indication of the absence of collusion (Farinaccius, De Testibus, question 66, number 24). Thus, the woman, after saying: "No, sir," adds: "Because the first evening, he made it clear that he was not paying attention to me and did not touch me, because it was shameful. And continuing in this way every evening, I resolved to have my 18-month-old child sleep between us." And the man said that he...

[*Latin ed. p. 117*]

PITILIANEiX. 117: Illa affirmavit se abstinuisse ab usu matrimonii, in primis diebus, "propter subjectionem vel pudorem, quod non potuit superare," et postea: "quia, non multis diebus post, mihi fuit dictum quod

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videretur quod illa haberet consuetudinem cum alio, qui frequentabat domum." Quare, ad interrogationem Iudicis: "Videtur impossibile quod, in undecim mensibus convivii, non sit consummatum matrimonium?" respondit: "Videtur impossibile, sed verum est, quia semper eramus in litibus, et ego semper suspectabam fidem eius." Praeterea, b) praesumptio etiam habetur favente veritate coniugum, ex eo quod praecipuum motivum ad petendam dissolutionem matrimonii sit desiderium consulendi propriam conscientiam. Atque tamen, per mendacium, finis iste certo non potest perveniri. Tandem, c) defectus prolis, licet uterque ex aliis amplexibus, sive legitimis, sive adulterinis, filios habeat, et separatio post undecim menses, gravem inferunt praesumptionem de non consummatione.

2° Quoad depositiones testium, non solum testes ex officio citati, sed etiam testes septimae manus, non sunt testes solum credulitatis, sed etiam scientiae; scilicet, protestantur se depositionibus coniugum credere, non solum ex criterio extrinseco, sed ex propria scientia, ex circumstantiis, scilicet, quas vel ipsi perspexerunt, vel tempore non suspecto a coniugibus perceperunt. Tandem, testes loquuntur de non consummatione uti de re pluribus omnino nota. Iam vero, juxta Capitulm, praeterea 27, de testibus, praesumptionem violentam fama consentiente administrat. Nequitur autem difficultatem, quod coniuges, post circa viginti quinque annos spatii, dissolutionem matrimonii petiverint: ut enim vir ait ad interrogationem Iudicis: "Cur, igitur, (scilicet, statim post separationem) non quaesivisti dissolvere matrimonium, sicut nunc curas?" respondit: "quia nemo me cognoscere fecit quod hoc dissolutio ab Ecclesia obtineri posset." Quod mirum non est.

[*Latin ed. p. 118*]

118 FROM THE SACRED CONCILIARY DECREES. After this, it seems possible, as I said from the beginning, to answer the question: Can one consult...? Affirmative. Having considered these matters, the following proposition was put forward: Should one consult the Most Holy Fathers regarding a dispensation from a valid but unconsummated marriage in a particular case? RESOLUTION. The Sacred Congregation, after deliberation on August 1, 1901, decided to respond: Affirmative. FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS. A question concerning the request for confirmation from civil law in France, by those Congregations which have not yet been approved. The following doubt was presented to the Holy See: Can Congregations which have not yet been officially recognized in France request authorization in the terms desired by Article 13 of the new law and the regulation accompanying this law? After these doubts were seriously examined in a special meeting of Cardinals, the Holy Father decided that, through the Sacred Congregation of Bishops and Regular Canons, the following answer should be given: The

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Holy See condemns and repudiates all the provisions of the new law which infringe upon the rights, prerogues, and legitimate liberties of religious Congregations. However, in order to avoid very grave consequences and to prevent the extinction of Congregations in France, which do great good to both religious society and civil society, it is permitted that unrecognized Institutes request the authorization of which they speak, but only under the following two conditions: I. That they do not present the old Rules and Constitutions already approved by the Holy See, but only a draft of statutes which corresponds to the various points of Article 3 of the aforementioned regulation; these statutes, however, shall be...

[*Latin ed. p. 119*]

FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS, 11. Firstly, the difficulty of being subject to the approval of the Bishops; secondly, that in these statutes which are presented, only submission to the Ordinary of the place is promised, which is in conformity with the character of each Institute. Consequently, without speaking of purely diocesan Congregations which depend completely on the Bishops, the Congregations approved by the Holy See and mentioned in the Apostolic Constitution *Conditae a Christo*, published by His Holiness Pope Leo XIII on December 8, 1900, promise submission to the Bishops in the terms of that same Constitution; as for the Regular Orders, they promise submission to the Bishops in the terms of the common law. Now, according to this common law, as you very well know, the Regulars depend on the Bishops for the erection of a new house within the diocese, for public schools, asylums, hospitals, and other institutions of this kind, for the promotion of their subjects to the Orders, for the administration of the Sacraments to the faithful, for preaching, for the exposition of the Holy Sacrament, for the consecration of churches, for the publication of indulgences, for the erection of a confraternity or pious Congregation, for permission to publish books; finally, the Regulars depend on the Bishops with regard to the care of souls in the places where they are invested with this ministry. These are the instructions which the Sacred Congregation of Bishops and Regulars was to communicate to Your Reverence in the present circumstances and for the purpose for which they act. May God assist you and fill you with His graces.

Fr. I. M. Card. GOTTI

Prefect.

A. Panici

Secretary.

[*Latin ed. p. 120*]

•120 FROM THE SACRED CONGREGATION FOR INDULGENCES, Decree concerning Guatemala, regarding the pious works of the confra-

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ternity of the Blessed Virgin Mary of Mount Carmel, in order to obtain the privilege of the Sabbath. The Archbishop of Guatemala presented the following questions to be resolved to this Sacred Congregation for Indulgences, concerning certain pious works to be performed by the Confraternity of the Blessed Virgin Mary of Mount Carmel, so that they may be completed in order to obtain the privilege called the Sabbath: I. Is it necessary for the Confraters of the Blessed Virgin Mary of Mount Carmel to recite the Little Office as it is found in the Roman Breviary, even though the majority of the people completely ignore the Latin language? II. Are those Confraters who are unable to read, and therefore are obliged to abstain from food on Thursdays and Saturdays instead of reciting the Little Office of the Blessed Virgin Mary, also obliged to observe this abstinence on Saturdays, as are, in fact, non-American Latin faithful? III. Are they also obliged to observe all the fasts of the universal Church, in order to enjoy the most ample dispensation recently granted to those living in Latin America, by decree of the Sacred Congregation of Religious, E.E.E., on July 6, 1900? And the Eminent Fathers assembled in the Vatican Palace, having considered the questions presented, ordered that the following answers be given on June 11, 1901: To I: Affirmative, unless someone belongs to a rite approved by the Holy See, which uses another language, according to the Decree of this Sacred Congregation of August 18, 1868, but it is to be requested of the Most Holy Father that the use of the vernacular language be permitted in private recitation. To II: Negative, in order to enjoy the benefit of the Sabbath privilege. To III: It is to be requested of the Most Holy Father that the Confraters of the Blessed Virgin Mary of Mount Carmel, with regard to fasts, may be able to use a diocesan indulgence, with the permission of the confessors, to exchange the abstinence on Thursdays and Saturdays for other works; and that both may be declared valid for every region. Contrary opinions, and especially that of Capuana of December 3, 1892, do not prevail. After these matters were reported to the Most Holy Father Leo XIII, who heard them in an audience given to the undersigned Cardinal Prefect on June 14.

[*Latin ed. p. 121*]

From the Sacred Congregation for Indulgences, No. 121, dated 1901, His Holiness ratified and confirmed the resolutions of the Most Holy Fathers, and graciously granted the petitions expressed in questions I and III. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 14th of June, 1901. S. L. * CARD. CRETONI, Prefect. S. f. FRANCISCUS SOGARO, Archbishop of Amiden, Secretary. FOR THE CITY AND THE WORLD. Decree by which the Sodalities of the Living Way of the Cross are approved. Nothing is more fitting for fostering the piety of the faithful, nor more efficacious, than the frequent meditation on the Lord's Passion, whereby they recall how the Word of God, made flesh, deigned to

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suffer for us, their hearts are stirred to penance, and they are inflamed with a desire to make amends to Christ Jesus. Indeed, among the many pious exercises that excel, that which is called the Way of the Cross undoubtedly stands out above the rest, having been instituted by Saint Leonard and Saint Mauritius, and spread with such benefit throughout the entire Catholic Church. Since many, either burdened by occupations or afflicted by sorrow, are prevented from performing this pious exercise in its entirety, certain men of outstanding piety have devised certain Sodalities, consisting of fourteen members, in which each member meditates daily on one of the fourteen stations, similar to the Sodalities of the Rosary. Therefore, humble petitions were presented to His Most Holy Father, Leo XIII, that he would deign to approve these aforementioned Sodalities, their rules, and grant certain indulgences to the members. These petitions, presented in an audience granted on August 16, 1901, by the undersigned Cardinal Prefect of the Sacred Congregation for Indulgences and Sacred Relics, were most graciously received by the same Holiness, who highly commended and approved the Sodalities of the Living Way of the Cross, and their rules, as follows:

[*Latin ed. p. 122*]

122 From the Sacred Congregation for Indulgences, a schema was presented, which the authorities approved, and they commanded that it be observed, and at the same time, all the indulgences contained in this decree were benignly granted forever, and are applicable even to the deceased. LAWS TO BE OBSERVED IN ESTABLISHING CONFRATERNITIES OF THE LIVING WAY OF THE CROSS. I. The practice of the Living Way of the Cross is instituted, modeled after the Living Rosary. II. The Living Way of the Cross is nothing other than an invitation and a practice leading to the complete Way of the Cross, according to the form customary in the Catholic Church, enriched with a greater fruit of edification, and abundantly endowed with the treasury of indulgences and privileges granted by the Most Holy Pontiffs. III. Each confraternity must consist of fourteen members, and must be established only in churches, or public or semi-public chapels, or even in communities, where the Stations of the Way of the Cross are properly erected. IV. The right to establish confraternities throughout the entire Order, or in any place, belongs to the General Minister of the Order of the Friars Minor of St. Francis; within the limits of their own Province, to the Provincials; in the respective district, to the Guardians and those who hold their office, whether by themselves or through their subordinates appointed for that purpose. V. By primary right, it belongs to the General Minister to appoint a religious Director of the confraternities in each place, and, if this is lacking, a priest, or secular, or regular, who will prepare and keep a list of the persons who will belong to the new confraternity. The Provincials can also do this, unless the authority of the General Minister

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prevents it, within the limits of their own Province, and also the local Superiors, but subject to the Provincial Minister. VI. It belongs to the Director to nominate Zelators and Zelatrices, who will prudently seek out those to be enrolled, and propose them to the Director. VII. To properly perform the practice of the Living Way of the Cross and to gain the indulgences attached to it, it is required that each person meditate on the Station assigned to them, and recite three Paternoster, Ave, and Gloria, holding a crucifix made of solid material, and blessed for this purpose, or by a Minister.

[*Latin ed. p. 123*]

FROM THE SACRED CONGREGATION FOR INDULGENCES, 123 (general, or by the Provincial Minister within his respective Province, or by a superior local authority, or even by the Director himself, or by another priest delegated by the General Minister). INDEX OF INDULGENCES GRANTED TO SODALITIES OF THE LIVING WAY OF THE CROSS. All the faithful sent by any Director to a Sodality may gain the following Indulgences: I. On the first day of the feast after having joined the Sodality, a plenary indulgence, if on that same day they have confessed, truly contrite, and received Holy Communion. II. On the feasts of the Nativity of the Lord, Circumcision, Epiphany, Easter, Ascension, Corpus Christi, Pentecost, and the Holy Trinity; also on each feria of March, and on the feasts of the Invention and Exaltation of the Holy Cross, the Holy Stigmata of St. Francis, and on the same day of his Nativity, a plenary indulgence, provided that each member diligently and piously performs the station assigned to him daily for the entire month, and also, having been contrite and confessed, receives Holy Communion, and visits some church on the days established, and there offers some prayers for the intentions of the Supreme Pontiff. III. Once a year, a plenary indulgence may also be gained, if any member for the entire year performs the station assigned to him daily, and also, on the aforementioned day, being truly contrite, confessed, and having received the Holy Communion, as mentioned above, he prays. IV. For daily exercise: one hundred days on weekdays; seven years and the same number of days of Lent, and also on all Sundays and other feast days throughout the year; notwithstanding any contrary prescriptions. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 16th of August, 1901. SACRED CARDINAL CRETONI, Prefect. L. & S. fProR. P. D. FRANCIS, Archbishop of Amiden, Secretary. JOSEPH M. COSELLI, Canon, Substitute.

[*Latin ed. p. 124*]

124 FROM THE DECREE OF THE HOLY CONGREGATION REGARDING INDULGENCES. Concerning Clerics of Regular Orders who minister to the sick, regarding the permission required to exercise the faculty of blessing crowns, crosses, etc., with the application of Apostolic Indul-

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gences and those of St. Bridget. Since in the Decrees of the Holy Congregation for Indulgences, or in Apostolic Briefs, etc., which grant the faculty of blessing crowns, rosaries, crosses, crucifixes, small statues, and medals, and of attaching Apostolic Indulgences and those of St. Bridget, the clause "with the consent of the Ordinary of the place" is added; the meaning of this clause has been questioned on more than one occasion; therefore, the Superior General of the Clerics of Regular Orders who minister to the sick, regarding the meaning of this same clause, proposed the following questions to this Holy Congregation:

I. Whether such consent should be considered so necessary that, if it is lacking, the Indulgences are entirely invalid? And, if so,

II. From which Ordinary should such consent be obtained?

III. And if one, using this faculty, resides in Rome, where the faculty of blessing cannot be exercised, would the consent of the Eminence, the Vicar or Vicegerent of the City, suffice for the blessing, or would the consent of another Ordinary outside the City be required, and from whom?

And the Eminence, assembled in the Vatican Palace on June 1, 1901, having considered the questions proposed, responded:

To I: Let instruction be given as follows:

"I. It is necessary that whoever desires to obtain the faculty of blessing crowns, crosses, rosaries, medals, etc., with the application of Apostolic Indulgences and those of St. Bridget, present a letter from his own Ordinary, if he is a secular cleric; otherwise, if he is a member of a religious order or institute approved by the Holy See, he must present a letter from his Superior.

2. In order for the aforementioned faculty to be validly exercised, it is necessary that the priest be approved to hear sacramental confessions, at least of men.

3. For the licit exercise of this faculty, the consent of the Ordinary of the place in which one wishes to use it is required, as long as the regular exemptions remain in force, according to the decree of this Holy Congregation of June 8, 1888. This consent should preferably be expressed; however, tacit or implied consent is also sufficient, and in some cases..."

[*Latin ed. p. 125*]

FROM THE SACRED CONGREGATION FOR INDULGENCES, 125: "When, in practice, it is not possible to do otherwise, even the 'prudently presumed' intention suffices." Regarding Items 11 and 111 in I. And the Most Holy Pope Leo XIII, in an audience held on June 14, 1901, by the undersigned Cardinal Prefect, approved and confirmed the resolutions of the Fathers. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on June 14, 1901.

Signed,

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S. L.

CARD. CRETONI, Prefect.

S. F. FRANCISCUS SOGARO, Archbishop, Secretary.

DECREE.

The Congregation of the Brothers of Saint Vincent de Paul, concerning prayers and pious exercises, humbly presents to this Sacred Congregation, which has jurisdiction over Indulgences and Sacred Relics, the following: It has often happened that confessors, in order to better assist the penitents in their spiritual penance, impose prayers or pious exercises that are enriched with indulgences, believing that, by this very act, they are fulfilling the requirements of sacramental penance and, at the same time, granting indulgences through these prayers or pious exercises. However, concerning this opinion and practice, a considerable divergence of opinions has arisen, and some, citing the Decree of this Sacred Congregation of May 29, 1841, which denies that obligatory prayers, for example, through canonical hours, can satisfy the prayers prescribed by the Supreme Pontiff for obtaining an indulgence, maintain that the very foundation of the aforementioned opinion and practice of the confessors has been removed; on the contrary, others assert that the praised Decree does not apply to this matter; if, indeed, something is imposed as a condition for obtaining an indulgence, it is not prayers or pious exercises, which, by the authority of the Supreme Pontiff, already carry indulgences with them, but rather they can be considered as part of the sacramental penance, unless the intention of the one granting them indicates otherwise. Therefore, in order to remove all possibility of ambiguity, the following question is proposed for resolution:

[*Latin ed. p. 126*]

126 FROM THE SACRED CONGREGATION OF INDULGENCES: Whether a penitent, having fulfilled his penance, can benefit the pagans? Can prayer or a pious work simultaneously satisfy for indulgences and for penance? And the Most Reverend Fathers, in the General Congregation held at the Vatican on June 11, 1901, responded: Affirmative, according to the decree of His Holiness. Indeed, this resolution, having been heard by the undersigned Cardinal Prefect on June 14, 1901, has been benignly confirmed by His Holiness. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on June 14, 1901. S. L. * CARD. CRETONI, Prefect. S. f. FRANCISCUS SOGARO, Archbishop of Amiden, Secretary. FROM THE SACRED APOSTOLIC PENITENTIARY: A Letter to the Most Reverend and Illustrious Cardinal S. Vannutelli, Major Penitentiary. On the occasion of the last assembly of the Bishops of this Region (the Province of Turin and Vercelli), it was observed by some of the Reverend Ordinaries that the Apostolic Delegates do not maintain a uniform conduct in demanding the agency fee due to the Joro agency in connection with matrimonial dispensations issued by this Very Reverend

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Tribunal of the Holy Penitentiary. Moreover, it has been noted that some of the Delegates continue to demand five lire for each dispensation, although the agency fee charged by this Tribunal is three lire, except in very rare cases where they waive any gratuity. Therefore, it has been decided that from all the Curial offices of this Region, a Note shall be sent to the respective Apostolic Delegate by means of the Chancellor of each Curial office, in the following terms: "In obedience to the venerable regulations of the Holy Penitentiary, the Bishops of the Piedmontese Region, gathered together in Turin for their customary annual meetings, have decided to adhere strictly, beginning on the first of the coming..."

[*Latin ed. p. 127*]

FROM THE APOSTOLIC PENITENTIARY, January 12, 1901, concerning the rates established in the individual rescripts for matrimonial dispensations, which are granted by the same Holy Tribunal. In order to give effect to this decree, and in agreement with my esteemed colleagues, I humbly beseech Your Eminence to deign to communicate your valuable opinion on this matter. And kissing Your Eminence's hands most humbly, I remain with profound reverence. Of Your Eminence, Reverend, Turin, October 25, 1900. Your devoted and faithful servant, A. CARD. RICHELMY, ARCHBISHOP.

IN RESPONSE to the venerable letter of Your Eminence, dated October 25th of the past month, I have the honor to inform you that this Holy Tribunal not only finds nothing to object to regarding the notice which the Regular Clerics of the Piedmontese Region propose to send through the officials of the respective Curiae to their own forwarding agent, but rather considers it to be entirely in conformity with the rules adopted by this Tribunal at the beginning of the current year. And kissing Your Eminence's hands most humbly, I submit myself with profound respect. Of Your Eminence, Rome, November 10, 1900. Your devoted and faithful servant, S. VANNUTELLI, PENITENTIARY MAJOR.

Most Reverend and Most Reverend Cardinal Richelmy, Archbishop of Turin, The Apostolic Penitentiary communicates the above to this Reverend Ecclesiastical Curia, as is customary in similar cases, and expressly declares that no increase can or must be made to the agency fee established in the dispensations, as this would impose an additional burden on those in need of dispensations.

[*Latin ed. p. 128*]

128 FROM THE HOLY PENITENTIARY (Apostolic Latin Version) LETTERS From the Most Reverend Archbishop of Turin to the Most Reverend Major Penitentiary. On the occasion of the most recent meeting of Turin, held by the Ordinaries of the Provinces of Turin and Vercelli, certain observations were made to them, namely that it is not within the power of

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the Apostolic Procurators to demand a higher price for the procuration, or to collect a debt, when dispensations concerning marriage are issued by the Holy Penitentiary Tribunal. Indeed, it does not escape the notice of some of these Apostolic Procurators that they demand five florins for each dispensation, although this remuneration has been fixed by this Tribunal at three florins, or even less, except in very rare cases, in which they do not remit anything from the established tax. Therefore, it was unanimously resolved that each Curia should warn its own Apostolic Procurator of the following: The Ordinaries of the Piedmontese Province, gathered together, having diligently observed the dispositions of the Holy Penitentiary Tribunal at the Turin meetings, have decided to strictly follow, beginning in the month of January 1901, the tax indicated in each rescript for marriage dispensations. However, that this deliberation may be carried out, all the Bishops, gathered together, request the opinion of Your Eminence, that this matter may be clarified. LETTERS From the Most Reverend Cardinal Major Penitentiary to the Most Reverend Archbishop of Turin, in which he informs him: that he fully approves of the notice which the Ordinaries of the Piedmontese region have decided to send to their respective Apostolic Procurators; because it is entirely in conformity with the rules which the Holy Penitentiary Tribunal has established from the beginning of this year.

[*Latin ed. p. 129*]

129 FROM THE HOLY CONGREGATION OF THE COUNCIL "DE VALENTINEN. ON THE NULLITY OF MARRIAGE," May 19, 1900, and June 22, 1901. Session 24, chapter 5, concerning impediments to marriage. Gustavia, who had barely reached the age of 19, was joined in marriage on February 12, 1874, in the parish church of the place, commonly called Buis-les-Baronnies (in France), to Seraphino, then 25 years old, according to the laws of the Council of Trent. This marriage, so much desired by the bride's mother, did not prove happy; indeed, it is said that Gustavia married Seraphino under the influence of a fear instilled by her mother. For Gustavia states that she harbored a strong aversion towards Seraphino, who used to frequent her father's house; therefore, when her mother proposed this marriage (since she had been orphaned by her father a few years prior), she immediately rejected it, openly declaring that she felt a strong dislike for Seraphino. However, the mother imposed this marriage on her daughter, and if what is now narrated is true, she did not use only moral coercion to obtain her consent, but sometimes also resorted to threats and beatings. But the reason why the mother forced her daughter into this unwanted marriage is not entirely clear from the records; for when Gustavia's mother was questioned by the judge about this matter, she merely stated: "I believed I was placing her well and thus making her happy." Therefore, the girl, feeling that she could no longer resist her mother's will without causing her great sorrow, yielded, but entirely

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unwillingly. Consequently, the marriage was immediately arranged and celebrated. SUMMARY OF THE FACTS. Records, Volume XXXIV, page 399.

[*Latin ed. p. 130*]

130 FROM THE DECREES OF THE COUNCIL. At the beginning of marriage, the bride, if she tells the truth, considered herself to be subjected to the husband, only in appearance, according to the ecclesiastical rite, but not truly by consent of her mind; nevertheless, despite these circumstances, nine months after the beginning of the marriage, the spouses conceived a child. However, conjugal life does not seem to have been happy; for instead of seeking the wife's affection, the husband afflicted her with injuries and beatings; therefore, the unfortunate girl, distressed by this unhappy life, before a year had passed since the beginning of the marriage, departed from her husband and, taking her son with her, returned to her mother's house. Soon after, when the child died, she, having left her mother's house, went to Paris, where she found a family that not only received Gustavia, but also adopted her as their daughter. Meanwhile, the husband, because of the wife's absence from the marital home, appealed to the civil court, easily obtaining a favorable judgment of divorce, against which Gustavia filed an appeal, not, however, in the part that concerned the divorce itself, but so that certain words that could offend her dignity might be corrected; and this was indeed done by the authority of the judge. Afterwards, Gustavia, twenty-four years having passed since the separation, when she learned from her confessor that her marriage was null because of a lack of consent, sent a petition to the Bishop of Valence, requesting a declaration of the nullity of the marriage. After a process was instituted, the plaintiff was examined by a delegate in the Paris court, and witnesses indicated by her, as well as those summoned by the court, were questioned. The husband was also questioned, and he affirmed not only that there had been no fear, but that the plaintiff had entered into this marriage with full consent and willingly. With all these things brought to a conclusion, the judge of Valence gave the following judgment on December 11, 1899: "1. Considering that the consent of the parties appears most clearly on the day of the marriage ceremony, and that on that day, nul-

[*Latin ed. p. 131*]

VALENTINEN. The judge, having heard the testimonies, saw the actress weeping or appearing sad; only the actress herself affirms this.

"2. Considering that the testimonies of the witnesses are somewhat inconsistent and not very convincing, and furthermore, that the testimonies of the parents appear to have been fabricated, we add that...

"3. Considering that a considerable period of twenty-five years elapsed between the celebration of the marriage and the actress's petition for the an-

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nulment of the contract, while Seraphinus obtained a divorce fifteen years ago, the actress had a favorable opportunity to request the nullity of her marriage at that time.

"4. Considering that Seraphinus, who in the divorce proceedings at Nyons and according to the testimony of Gustave Tatin, was described as 'a hardworking man, of an affectionate character, fulfilling his duties as a Christian,' was summoned before the judges, and, carelessly, without having time to call witnesses for his defense...

"5. Considering that the inhabitants of Le Buis, hearing that an inquiry was being conducted for the annulment of the same marriage before the judges in the church where they were, came in large numbers to express the reprobation of the entire parish against the relaxation of the matrimonial bond.

"...we declare that there is no proof of the nullity of the marriage."

Synopsis of the Dispute. The actress's advocates divide their argument into two parts, and first, they maintain that the marriage was entered into under fear, a grave, reverential fear, not unlike an ordinary or common fear, and is therefore invalid. It is certain in law, they say, that a grave, natural fear, unjustly and directly imposed to extort consent, invalidates the marriage, as is stated in chapters 14, 15, and 28 concerning betrothals and marriage, and in chapter 8 concerning the one who took a wife whom he defiled through adultery. And that even a reverential fear invalidates marriage, all agree, although there is great disagreement among them concerning this.

DEFENSE OF THE WOMAN.

[*Latin ed. p. 132*]

132 From the decrees of the Council concerning the nature of reverential fear. Canonists and theologians teach that reverential fear can invalidate marriages, provided that the conditions of ordinary fear are present, namely, that it be grave, natural, free from external coercion, just, and directly imposed to extort consent. If these conditions are met, both human and divine law require that the canonical theory be applied to such cases, derived from the principles that govern marriages and which do not exclude reverential fear. Thus, Sánchez writes in book IV, disputation VI, number 14, on marriage: "It is inferred that if a daughter enters into marriage, not under threats, but solely out of fear of incurring the displeasure of her father, the marriage is valid, because in this case, the fear is not considered to be one that would deter a steadfast man. However, this must be understood with the qualification that if that displeasure of the father or husband will not last long, but there is hope of future reconciliation; if, however, she fears that the displeasure will be prolonged, and that she

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will always have a father or husband who is very displeased and indignant towards her, and that she will be constantly reproached for her disobedience, then that fear would be considered to deter a steadfast man. For who would consider it a minor evil to always have a displeased father or husband, or another from whom one depends, and with whom one will always be associated?" Reinffenstuel, in *Decretum*, title XL, number 95, states: "Although reverence for parents and others, or reverential fear, by itself alone is not sufficient to invalidate, for example, a marriage contracted by children, or to rescind another contract, it is otherwise when, in addition, there are acts of cruelty or grave threats by parents or superiors towards their children or subordinates, unless they obey, or at least persistent and importunate requests." Engel teaches the same in book 1 of the *Decretum*, title 1, § V, number 4. Pontius, in *De Matrimonio*, book IV, chapter 5, and Schmalzgrueber, in book I of the *Decretum*, title XL, number 5, and St. Alphonsus, in *Theologia Moralis*, book VI, number 1056, in response to the question "Whether reverential fear is sufficient to invalidate a marriage," teach the same.

[*Latin ed. p. 133*]

VALENTINEN. 135 «Concerning the question at hand, the first opinion held is that if pure, reverential fear is the principal cause of marriage, then it renders the marriage invalid. The second opinion, which is common and accepted, states that pure reverence alone is not sufficient, but that it must be accompanied by either beatings or threats, or the fear of some grave evil, such as hatred or prolonged displeasure, etc.».

Turning to the other part of the argument, the advocates, with all their strength, maintain that the marriage initiated by Gustavia was entered into under grave reverential fear, and therefore, that her marriage is subject to nullity. They strive to demonstrate this primarily through four arguments:

1. Gustavia always hated Seraphin, while her mother, on the contrary, firmly desired the marriage.

2. The mother was of an absolute, imperious, and inflexible nature; conversely, the daughter was of a weak, timid nature, and greatly feared the violence of her mother.

3. The mother, in order to extort her daughter's consent, displayed herself as haughty, austere, and spoke harshly; she employed harsh words (and what is not at all required for reverential fear) threats and beatings.

4. Finally, the daughter, lacking strength of spirit and will, entered into this marriage in order to avoid the obstinate indignation of her mother.

That Gustavia always hated this marriage, the advocates prove through the sworn testimony of the actress, who stated: "Monsieur Séraphin inspired in me an antipathy, which went as far as repugnance, an antipathy which became hatred when I saw the insistence he put into wanting to

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marry me... his very appearance inspired in me an antipathy and a profound natural aversion." And elsewhere: "I have always rejected the idea of this marriage... on the very morning of the marriage, I protested against the violence being done to me, through my attitude, my sadness, my tears, my dejection... the day before, I had even considered ending it all by throwing myself into the river. It was the fear of losing my soul that held me back... What I affirm is that I did not give a true consent. Within myself, I did not cease, during the double ceremony."

[*Latin ed. p. 134*]

134. From the records of the Council, as before, I protested against the violence done to me, and declared that I did not wish for this marriage against which I revolted. I did not wish to be bound to anything. I did not believe that I was entering into a valid obligation. "Indeed, the opposition of Gustavia to the man and to the marriage is confirmed by her mother and other witnesses. Thus, the mother testifies: 'The proposal (for marriage) was not accepted willingly by my daughter... At first, I used persuasion, telling her that this marriage was advantageous for her. She replied to me: 'Mother, no, do not marry me'... she said that she was marrying against her will... Mr. Seraphin was accepted as a fiancé fifteen days before the marriage. During those fifteen days, he came to the house four or five times at most to settle the material matters of the marriage. He was well received by me, since that suited me; but my daughter remained indifferent and cold, she was like an idiot.'" And the witness Maria Mayer affirms: "I heard several times from my father and my mother that, shortly before the marriage, when my father came to the family... Gustavia threw herself at his knees, saying with tears that she was being forced to marry, that her mother was forcing her, and that my father made observations to my mother, who replied: 'It is too late, I have given my word.'" The same is reported by the actress's brother, and by several other witnesses, who all with one voice proclaim that Gustavia was extremely horrified by the marriage with Seraphin. But, the accusers continue, if Gustavia so detested this marriage, the mother, on the contrary, firmly desired it. The actress: "My mother had given her word without even consulting, she believed herself obligated to keep her promise, and she followed her own imperious nature in acting thus..." The mother herself confesses: "Her brother told me that he did not see that this marriage was an advantage for her. I replied, 'It is useless, I have it in my head!'" Furthermore, the defenders began to prove the gravity of the fear that was instilled.

[*Latin ed. p. 135*]

VALENTINEN. "She [Gustavia] derived this [character] from the imperious and inflexible nature of her mother, and, on the contrary, from the gentle and timid nature of her daughter. 'I said,' said Gustavia, 'that the

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usual character of my mother was lively, easily angered, irritable, imperious, and very authoritarian. She raised us with a rod, demanding immediate and passive obedience from each of her five children. As for me, I suffered more than my brothers.' Concerning the daughter, she said: 'She was good, gentle, and obedient. She remained with the Religious of the Most Holy Sacrament in Buis-les-Baronnies until she was sixteen years old. They told me that they would have gladly kept her because she would have made a good religious. She obeyed me in the smallest things. She would have been afraid that I would scold her... once my will was imposed, she would not have dared to resist, and even to show her opposition through a violent act.' All the witnesses testify to the different character of the mother and daughter: 'She is certainly very authoritarian and imperious,' said Monsieur Frachat, 'as is evident in her everyday life, always saying: "I want, I want." This lady, for her age, is still very violent.' 'I knew Gustavia before her marriage; her character was very gentle; she was submissive and respectful towards her parents...' said Monsieur Durieu. 'I knew Madame Veuve; she was very authoritarian towards her children, and particularly towards Gustavia.' And Madame Higonnet affirmed: 'The character of Gustavia was gentle and submissive towards her parents... Madame... is a very good woman, but stubborn in her will and imperious towards her children.' Furthermore, the witness, the Actress's brother, and several others, among whom was Monsieur Vidal, testified: 'Miss... had a gentle, peaceful, and timid character, perfectly submissive. As for the mother, her character was imperious. The children had to do what she wanted.' Furthermore, the records show that the mother, in order to extract the daughter's consent, exhibited a harsh, severe, and harsh manner of speaking, using words that were gravely insulting, and..."

[*Latin ed. p. 136*]

136 EX S. C. CONCILII necesse non erat. Minarum et verberum causa: "Durante tempore negotiationum," dixit Gustavia, "et cum vidit me resistere, mater mea naturaliter plus irritabilis facta est. Se irascit, et me etiam publice contumeliis affligebat. Me minabatur et imperiose pronuntiabat matrimonium fieri propter quod illa voluit. Haec omnia iam longe sunt, et tamen memini quod nocte ante matrimonium, cum respondidi ad personam quae mihi de ceremonia quae die post fieri debet locuta est, "quod ego non volui me matrimoniare, et quod ego non matrimoniabur," mater mea me contumeliis affligit." "Memini quod, oppressa ab illa scena quae terminata est contumeliis de quibus paulo ante locuta sum, cogitavi me ab omnibus liberare per suicidium; sed fides religiosa mea in illo momento, et postea, me adiuvit ut temptationes meas sustinerem!" Eadem confirmat eiusdem frater qui deposuit: "quod vidit varias vices sororem suam contumeliis affligere." Quare, inferunt defensores, Gustavia, ut indignationem matris obstinatae vitaret, cum plus resistere non potuerit, manus victas

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dedit et matrimonium invisum subivit. Ad rem addit frater actricis: "testatur quod soror eius, Gustavia, matrimonium acceptavit solum sub coactu, impellita a matre et familia, et hoc contra repugnanciam suam, suum recusatum formale ad eum matrimoniandum, et contra implorationes suas ad matrem et familiam ut hoc matrimonium impedirent." Dominus Durieu declarat "scire quod Mademoiselle... Dominum Séraphin non nisi coacta et impellita a matre et familia, quae bene sciebat omnem repugnanciam suam, et contra voluntatem suam, ei nupsit!" Eadem referunt domina Conil et dom. Maigre; et ipsa matre actricis scribit: "Ego, subscripta, declaro, ut veritati honorem tribuerem, quod ego omnem influentiam meam in Gustaviam, quae tunc annorum 19 erat et sine voluntate, adhibui, et eam coegi ut Dominum Séraphin maritum acciperet, credens sic felicitatem illi parare. Testor coram Deo quod filiam meam ad hoc matrimonium coegi, et neque lacrimae, neque consilium familiae me arrestaverunt, et hoc propter quod..."

[*Latin ed. p. 137*]

On the 15th of February, she stated that she had given her word to her parents and to the future husband. Furthermore, to more strongly confirm their argument, the defenders present considerations concerning the events that preceded, accompanied, and followed the marriage. First of all, they recall that the marriage was arranged and contracted within a short space of fifteen days: "Mr. Séraphin was approved as the fiancé fifteen days before the marriage. During those fifteen days, he came to the house at most four or five times to settle the material matters of the marriage." Therefore, the defenders argue, the events were precipitated; because, with the bride's resistance, the tenacious mother, and the audacious man, it was of utmost importance to quickly break this difficult situation, lest the girl, emboldened by the danger, would rush into open rebellion. During the very ceremony of the marriage celebration, the defenders observe that signs of extraordinary sadness and opposition were not lacking. Indeed, Gustavia affirms: "With a broken heart, I was led to the town hall and to the church, weeping and invoking the dead. Did I answer when I was questioned? And what did I answer? I do not remember anything. My overwhelming sadness and my tears attracted attention. Several people told me, 'You must not cry.' This is the impression that the double ceremony caused; all those who attended both ceremonies could notice my sadness and my distress." Moreover, the defenders state that these signs of opposition did not cease after the celebration of the marriage. For the woman refuses to fulfill her conjugal duties with all her strength, and only yields to violence: "Never," she says, "have I consented to the fulfillment of the conjugal duty. I resisted and defended myself as much as I could, and every time Mr. — tried to consummate the conjugal act, he took me by force. I had a son who died at the age of 6 months as a result of the mistreatment that I

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suffered." In this regard, according to the defenders, it is not surprising that, during the entire duration of the marriage, the spouses lived in continuous quarrels.

[*Latin ed. p. 138*]

138 FROM THE RECORDS OF THE COUNCIL. Through this prayer, certain witnesses bring forth information concerning the individuals involved in the marriage, so that it may be easily understood how much weight should be given to each, and how much faith should be placed in their words. Regarding their client, they state that the most esteemed witnesses testify that she is outstanding in religion and truthfulness. However, if anyone were to object, pointing out that the testimony of the Actress does not entirely agree with that of the mother, since one affirms that threats and beatings were present, while the other does not speak of these things; the witnesses reply that this discrepancy is of no importance and falls under accidental circumstances. For it matters little, they argue, whether beatings were used to break the daughter's resistance, or whether merely insistent prayers, harsh words, and the force of will were sufficient, which, according to the witnesses, are enough to create a feeling of reverential fear. Furthermore, they point out that this concerns a woman who is more than eighty years old, whose memory of past events may have faded. Nevertheless, despite these things, according to the witnesses, there are elements in the mother's testimony that would invalidate not one, but a hundred marriages. For she herself swears, "that Gustavie wept greatly, saying that she was marrying against her will, that once her will was imposed upon her, she would not have dared to resist, that in the presence of Mr. Seraphin, her daughter remained indifferent and cold, and that during the religious ceremony, her daughter was like an idiot." She swears "before God, that she forced her daughter into this marriage, and that neither her tears nor the advice of the family stopped her, and this because she had given her word to the parents and the future husband." If this woman, because of her religion and truthfulness, deserves to be believed, then, the witnesses contend, it cannot be said of the man, of whose piety and religion no testimony is found in the records. Indeed, he himself in his deposition appeals to the trustworthiness of absent persons, but he does not dare to name them. Furthermore, the witnesses continue, the man, to the detriment of the woman, affirms things that are rejected by the very mother of Gustavie, who was a participant in that insane love. Moreover, the most esteemed...

[*Latin ed. p. 139*]

VALENCE. It is certain that this shame and these insults will affect him for thirteen years; but the Tribunal, in order to preserve the memory of this affair forever, noted his impudence in the records. Finally, Seraphin asserts that Gustavine, innocent, spent a period of time under the marital

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roof, and that, without any compelling reason, she left. But, on the contrary, the lawyers present testimony that "it was, in fact, publicly known in Buis that this Seraphin mistreated his wife, and made her very unhappy, and she was often the object of brutality from her husband." Finally, the lawyers contend that there are no reasons whatsoever to be given, and indeed, quite the opposite, to explain the reasons that moved the judges of Valence in their judgment. For, they state, "considering" that "the consent of the parties appears most clearly on the day of the wedding," and that "on that day, no witness saw the bride weeping and sad, except the actress herself." But, the defenders ask, does it not happen sometimes that young girls, who are forced into marriage against their will, conceal their inner resistance with an outward appearance of joy on the day of the wedding? The wedding party, the gathering of friends, the presence of strangers, can be obstacles that prevent them from bursting into tears and sobs. These, according to the lawyers, are usually presented as accompanying circumstances, not as the greatest proofs. Therefore, the facts that occurred at home must be considered, and from which alone fear can be extracted. The defenders say that it is false that no witness saw the bride sad, and that only the actress affirms this. The mother of the actress testifies: "that her daughter was like an idiot who follows the movement that is given to her." Furthermore, the judges state that the testimonies of the witnesses are poorly consistent, poorly affirmative, and moreover, the testimonies of the parents seem to have been fabricated. But the defendants reject this assertion as a gratuitous calumny and insult, and in the meantime, they present testimonies concerning the veracity and religion of the witnesses, given by the very Cu-

[*Latin ed. p. 140*]

140. From the deliberations of the Sacred Council. Thus, the Bishop of Thonon states: "The witnesses heard are commendable." The Archbishop of Avenionensis writes: "It is not probable that collusion occurred between the witnesses, and with regard to some witnesses, this is not only probable, but entirely impossible. Finally, all the witnesses are commendable." And what is most important, the very court of Valentinensis testifies: "It is not probable that collusion occurred between the parties, or between a party and his witnesses, and with regard to some witnesses, this is not only probable, but is entirely impossible; finally, all the witnesses are commendable." Thirdly, "considering" the matter, the accusers reach the height of absurdity. For the judges state that a period of twenty-five years elapsed between the celebration of the marriage and the wife's request for a declaration of its invalidity. But, they reply, Seraphinus obtained a divorce fifteen years ago, and at that time he had a favorable opportunity to request the nullity of his marriage. However, the lawyers respond, everyone is free to exercise their rights whenever and however they please. It was Seraphinus's interest to obtain a divorce; now it is the woman's interest to request the nullity of the

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marriage. Furthermore, the judges "consider" that Seraphinus, who in the civil divorce trial, according to the testimony of Gustavus T., a laborious man of an affectionate character, practicing his duties as a Christian, was summoned before the ecclesiastical judges hastily, suddenly, without having time to call witnesses for his cause. The accusers reply that in the first trial before the civil Tribunal, Gustavus was in contempt of court, therefore it was not difficult for Seraphinus, in the absence of the woman, to obtain testimony from which his gentle and industrious nature could be elicited from the judges. However, the words of Gustavus T. are not as they are presented by the Tribunal. He said: "The character of Seraphinus was jealous and inferior (not therefore gentle!); at the time of his marriage, he practiced his religious duties; now I do not know, having left Buis ten years ago." The accusers state that it is false that Seraphinus was summoned suddenly.

[*Latin ed. p. 141*]

VALENCE. On the fourteenth day [of the proceedings], the plaintiff had no witnesses to present in support of his case. For, the man had learned, three months prior, that Gustav had intended to pursue an action for the nullity of the marriage; therefore, he had never complained about the lack of time. And indeed, when questioned by the judge, "Do you have any witnesses to present, any documents to submit to the Tribunal? What have you to add?" he replied: "I have neither witnesses nor documents to present." Finally, the judges of Valence considered that the inhabitants of Le Conquet, having heard of the proceedings for the annulment of this marriage, came in a heated manner to the church, where the judges were, to express the disapproval of the entire parish against the relaxation of the marital bond. But the plaintiffs claim that this is ridiculous; since the administration of justice should not be subject to popular fury, according to the ancient saying, "Perish the world, but let justice be done." However, the defenders are astonished that the investigating judges did not pay attention to these clamors! And indeed, in the letters in which they transmit the proceedings to the Bishop of Valence, the investigating judges do not mention a single word about these clamors, stating: "We have conducted the investigation with perfect impartiality, we have heard witnesses, we have investigated, etc."

OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE.

On the contrary, the defender of the marriage argued with all his might that there was nothing to indicate the nullity of the marriage; since, to prove such a nullity, it is necessary to present not words, but facts, and indeed conclusive ones. And first, he cites what the Sacred Roman Rota teaches us, in Decree 149, § 1; namely: "When a marriage is contracted before a priest and two witnesses, according to the form prescribed by the Holy Council of

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Trent in Session 24, on the Reform of Matrimony, Chapter 1, and in the very act of celebration, there is a free consent of both parties, all presumption must be in favor of the validity of that marriage, and no consideration should be given to objections, unless they are so compelling and effective, /that they immediately and conclusively demonstrate a pretended nullity, whether it arises from a lack of free consent or from another invalidating cause."

[*Latin ed. p. 142*]

142. The defender also cites that the Instruction issued by the Sacred Congregation of the Holy Office on June 20, 1883, in article "De impedimentis, vis et metus § 39," prescribed: "The judge must know that marriage is, by its very nature, a certain solemn and public act, which should always be considered valid, unless evident reasons demonstrate its nullity. Therefore, every effort and diligence must be made to gather these reasons, but judgment against marriage should never be pronounced unless the totality of the evidence excludes all reasonable doubt regarding the existence of an impediment." However, the defender continues, regarding the proof of coercion, Gustavia states: "During the time of the negotiations (for the marriage), and when she perceived my resistance, my mother naturally became more irritable. She would become angry, even slapping me publicly. She threatened me and declared imperiously that the marriage would take place, because she wanted it. All of this is now long past, and yet, I remember that the day before the marriage, having responded to a person who was speaking to me about the ceremony, which was to take place the following day, and saying that I did not want to get married and that I would not get married, my mother gave me a resounding slap." Indeed, the mother was asked: "Please tell us in detail what you did to overcome your daughter's resistance! Did you first try persuasion? Did you make threats? Which ones?" Although she herself now seeks to have the marriage declared null, she replies: "I first used persuasion, telling her that this marriage was advantageous for her. She would reply: 'Mother, no, do not marry me.' And I would reply: 'I want it.' I did not need to use harsh words or threats, because my children, both sons and daughters, knew very well that when I said: 'I want it,' they had to obey. They would not even move an object in the room without saying to me: 'Mother, do you want it?' I was serious, I loved my children, and they loved me. I had been a widow for four years."

[*Latin ed. p. 143*]

VALENTINEN. 145 Furthermore, the advocate pointed out the reported quarrels, disagreements, and contentions between the mother and daughter, even though, if one were to listen to the actress, these had supposedly occurred "publicly"; however, no one, at least not to any known extent,

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had heard of such things. Indeed, Adrian Girard, brother of the late Joanna Girard, about whom the actress stated: "I had only one friend, Miss Jeanne Girard, to whom I confided everything," when questioned: "Do you know if Miss [the actress] entered into this marriage out of fear or pressure?" affirmed under oath: "I know nothing about it, and I have never heard it said." Moreover, Theresia Vidal, when asked the same question, replied: "Having asked her about her impending marriage to Séraphin, she replied that she would do 'whatever her mother wanted.'" When urgently asked, "Did she appear distressed by this marriage?" she replied: "No." The defense does not deny that Mary Conil, the aforementioned Philumena's sister, had affirmed in court: "Shortly after her marriage, she [Gustavie] was not happy, and she told me: 'Don't do as I did; my mother forced me to marry.'" "I do not know anything else about this matter." However, the advocate maintains that the testimony of Mary Conil is of lesser weight than that of Philumena. For Philumena was already thirty-three years of age, while Mary was a girl of seventeen. Indeed, the defense concedes that Mary did, in fact, hear that account from Gustavie; but it says that it is not surprising, because Gustavie spoke in that way at the beginning of the marriage, "when she was not happy." Moreover, it continues, general words like "forced" and similar expressions, as is well known even to those in the legal profession, prove nothing, because the imposition of fear must be proven through recounted facts, along with all the circumstances, and with the place and time specified. Certainly, after the marriage had had unfortunate consequences, the actress's mother spoke of a forced marriage, using general words that prove nothing. Certainly, Joseph Frachat, when questioned about this matter, replied: "Madame T... did not speak to me about this marriage until it was a question of annulling it, since..."

[*Latin ed. p. 144*]

144 EX S. C. CONCILII: "Ita erat, quod hoc erat res molesta, de qua raro in familia loquebatur." Defensor vinculi non negat quod Casimirus, frater Gustaviae, multa vidisset oculis suis, quae matrem terruerunt Gustaviam. Dicit enim: "Vidimus sororem nostram varias vices flagellari." Sed respondet, Casimirus non narrat res cum circumstantiis et adiunctis loci et temporis, quae comitabantur ictos, quos mater filiae infligebat. Quoniam sic et aliter non possumus, quaerimus, num haec timorem gravem constituerunt et num ad extorquendum consensum in matrimonio intentatae sunt. Sic Casimiro facile erit habere responsa. Immo Casimirus addit: "Soror mea maior et mea amita Eugénie Chaudron, soror matris nostrae, volebant Gustaviam cum Seraphino nubere, et soror mea obtemperavit voluntati matris, sororis maioris et amitae." Attamen dolet tutor vinculi, quod ad examen nominati testes adducti non sunt. Immo, addit, Gustavia habet consuetudinem affirmandi res et sollicitandi tam minimum de testibus. Deinde ipsa asserit: "Memini, quod nocte ante nuptias, respondens ad personam,

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quae mihi de ceremonia, quae die sequenti fieri debet, locuta est, quod non volebam me nubere et quod non nubebar, 'mater mea me ictu forti percussit. Multi testes huius rei iam desunt'." Miratur orator quod multi testes absunt: sed cur ad examen non adduxit testes superstites? Deinde, procedit defensor sacramenti, testes, qui factis praesentes fuerunt, nihil viderunt, quae actrix nunc asserit. Sane Casimirus, frater actricis, interrogatus: "Scitisne, si durante ceremonia religiosa matrimonii, illa (Ioanna) consentitum suum sine difficultate dedit, an vero repugnans et flens?", respondit distincte: "Ego ad nuptias fui, et soror mea ibi se gessit sicut ceteri." Ad eandem quaestionem mater actricis, Iulia, respondit: "Nihil praeter solitum in ceremonia erat. Filia mea erat quasi stultissima, quae movetur."

[*Latin ed. p. 145*]

VALENTINEN. 145 copies were printed. I heard and noticed nothing particular when she responded to the priest. On that occasion, she did not manifest any pleasure, nor anything at all." And the assistant priest, who was present at the marriage, and who the parish priest himself reports, says: "I remember very well that in the sacristy, when the moment came to sign the document, no one seemed sad, neither the bride nor the others; and that she pronounced the sacramental 'Yes,' just as all brides do." Furthermore, the actress asserts: "Among the relatives and guests, I protested against the violence being done to me, declaring that I did not want to marry; that I did not want to marry Mr. Seraphin"; but the advocate asks why none of these were brought to testify. All are deceased, it seems. For even Joanna herself testifies: "My witnesses (at the marriage celebration) were my foster father (deceased) and a younger brother of my father, who is still living." Indeed, the defender continues, it is not easy to believe that the municipal president and the parish priest would have exerted themselves for the marriage, if Joanna were telling the truth, since she says: "I did not cease, during the entire ceremony, as before, to protest against the violence that was being done to me, and to declare that I did not want this marriage, against which I was rebelling." Again, Gustavia testifies: "Mrs. Jeanne Girard was my bridesmaid (at the marriage celebration). She loved me very much." Elsewhere, Gustavia states: "I had only one friend, Mrs. Jeanne Girard, to whom I confided everything." Truly, the defender says, it is unlikely that Joanna Girard would have refused the office of "bridesmaid" if she knew that by doing so, she would be pushing her dearest friend into the abyss of the older generation. Furthermore, among those who were invited was the actress's "foster father." Gustavia, in fact, reports: "My foster father, Mr. Frèjus Camille, who is now deceased, was invited to my wedding; he arrived the day before." Therefore, Canditus Frèjus, in his own words, from

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the Actes, Volume XXXI, page CCCXCIX, 10.

[*Latin ed. p. 146*]

146. Ex scripturis Concilii Generalis, audivit: "Sonitus contumeliosus," quem Gustaviae mater emisit vespertino die celebrationis matrimonii praecedentis, Ioannam audivit, quae mane diei matrimonii "protestabatur contra violentiam quae illi infligebatur, dicens se non volere matrimonium contrahere; se non volere Seraphinum nupsisse." Tamen, secundum oratorem, Camillus ipse etiam cooperatus esset Ioannae detrimentum, cum officio testis matrimonialis functus esset. Ulterius, actrix dixit: "Mater mea mihi dicebat vehementer: 'Te nupsam faciam Seraphino.' Ego clamabam, dicens quod 'ille vir mihi non placebat et me non volebam eum nupsisse.' Primum, fratres mei, soror mea, amita mea, omnes familiares, omnes erant pro matrimonio." Omnes hi, certe, sciunt quod actrix a matre sua, clamore percussa, et ipsa actrix "inter parentes et convivas," mane diei matrimonii, "protestabatur contra violentiam." Sed, prosecutus est defensor, actrix unum Casimirum ad examen adducere voluit. Tandem, Gustavia refert: "Dixeram M.ille L. (matri futuri coniugis) et filiabus eius: 'Videte vos, me Seraphinum non amare? Cur me illum imponitis? Me relinquite.' Illae erant perplexae, interrogabant me de causis aversionis meae." Verum est, miratur defensor, quod actrix testimones expulit, qui tam clara res confirmare possent. Sed, secundum tutorem coniugis, quaestio solvitur ipso viro, cuius religionem nemo audet in dubium revocare: immo, Casimirus T. de religione et veritate viri testatur: "Ipse officia religiosa observabat." Verum est, interrogatus a judice, Seraphinus, sub sanctitate iuramenti, omnes fabulas actricis refutavit. Respondet, ad interrogationem: "Quando et quomodo locutus est de hoc matrimonio?" "Non memini. Cum a puella petii a matre, iam diu ab ipsa puella licet mihi. Mater laeta erat, me rogavit ut de hoc cum filio meo loquar, et mihi promissit..."

[*Latin ed. p. 147*]

FEBRUARY 14th. The matter was concluded in eight days. The mother gave a favorable response.

Questioned: "Did she (Joanna) show antipathy and coldness before the marriage?" Answer: "No."

Again: "Was she sad on the day of the marriage? Did she answer 'yes' clearly to the questions of 'the one who blessed the marriage'? Did nothing happen before or after the ceremony that could demonstrate that the young woman was coerced?" Answer: "No; she was not sad. She answered clearly 'yes' to the one who blessed the marriage. Nothing happened that demonstrated that she was coerced. The wedding journey proceeded joyfully (as evidenced by the child born nine months later)."

Finally, the judge asks: "What were the causes that led to the separation? Was there a judicial separation, a civil divorce, and for what reasons, and

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to whose benefit?" Answer: "Disagreements within the family between the parents; there was a judicial separation, a civil divorce pronounced in my favor..."

Finally, the advocate concludes: "The marriage was celebrated on February 14, 1874; barely a year after the marriage, Gustavia Seraphino departed this life; on January 26, 1899, she for the first time declared that she had entered into a marriage [unwillingly]. Indeed, in order to impress everyone with her [claim of the nullity of the marriage], she adds: 'If I formulate this [petition] today, it is not because I myself am considering regaining my freedom, of which I have no desire, for I do not intend to remarry, but it is, I can say, out of charity for Mr. S.... I have learned that he has asked several young women in marriage, which they refused because of the religious bond that still binds him and me.'"

Meanwhile, Seraphinus, on the contrary, declares before the judge: "I oppose it, because I am married before God, which prevents me from remarrying."

At this point, the matter was in doubt before the Sacred Congregation. "Whether the judgment of the Court of Valentinen should be confirmed or overturned in this case, it was decided to postpone and seek further assistance."

[*Latin ed. p. 148*]

148. EX s. c. CONCILII probationes iuxta instructionem dandam a defensore matrimonii ex officio. Statim, ut E. E. P. P. mandaverant, instructio exarata fuit, quae sequentis est tenoris: "Nonnulli ex excussis testibus suadere volentes metum actrici a matre illatum fuisse ut ad matrimonium cum Seraphino celebrandum eam adduceret, utuntur verbis generalibus, v. gr. - elle a été forcée - ; vel factum aliquod memorant, reticentes circumstantias, quae factum illud comitatae sunt, exempli gratia: - la mère lui donna un soufflet -. Quocirca hi testes, si possibile sit, iterum interrogentur, ut facta de se apta ad metum inferendum referant, aducentes circumstantias ad rem facientes, ac praesertim quam relationem factum ad matrimonii celebrationem habeat; necnon adiuncta loci et temporis; atque an propriis ipsi sensibus ea facta perceperint; si ab aliis acceperint, a quibus, et quando, aliaque huiusmodi." "Praeterea magni interest examen matris et sororum Seraphini, quibus Gustavia manifestavit (ipsa ait) se nolle Seraphino nubere: examen amicorum affinium ac propinquorum, coram quibus Gustavia ait, se vespere diei immediate praecedentis et mane diei quo matrimonium celebratum est, se ostendisse suam a matrimonio aversionem: examen testium, qui nupturientes comitati sunt sive in municipio sive in ecclesia, ac praesertim patrui Gustaviae." "Postremo Gustavia denuntiat: - Tout d'abord mes frères, ma soeur, ma tante, toutes les personnes de la famille étaient pour le mariage -. Istorum etiam examen perutile esse potest." "Memoratorum testium sedem reverendissima curia

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ex officio accurate perquiret, eosque ad examen adducere, inscia, actrice, eo impensius curabit, quo magis actrix detrectat illorum examen. Haec non prohibent quominus examini subiiciantur testes, quos actrix ultro producit, aliique quos sive quocumque alio modo actorum moderatores deprehender e t de re instructus esse." Curia Valentinensis, ea qua par erat sollicitudine, ad...

[*Latin ed. p. 149*]

VALENTINEN. On the 14th of February, the advocate again presented the case to the Congregation, examined five witnesses, and, having completed the proceedings, sent the documents to this Holy Congregation. Therefore, the case is presented to you today, without any alteration in the facts. Before presenting new testimonies for examination, the advocate's patrons reiterate the allegations, which they believe they have sufficiently and abundantly demonstrated in the previous petition. They recall that the petitioner's mother, a woman of an imperious and inflexible character, prone to anger, forced her mild and timid daughter into an unwanted marriage through importunate and insistent prayers, persuasions, and (which is entirely unnecessary for establishing a feeling of reverence) threats and acts of cruelty. The petitioner resisted as much as she could, but, to avoid her mother's anger, she was forced to yield, and, despite all her reluctance, she was brought to the marriage, displaying repugnance and other signs of distress; afterwards, she neglected her marital duties and manifested the greatest aversion to her husband. These facts, the advocates argue, are proven by the petitioner's sworn testimony, by the testimony of ten most reputable witnesses, and finally, by the circumstances preceding, accompanying, and following the marriage. On the other hand, the advocates affirm that the woman deserves full credit for her faith and integrity because of her religion and truthfulness, and moreover, they find no reason that would compel Gustavia to lie. Indeed, she desires neither honors, nor riches, nor new loves. She desires to regain her freedom, not for the sake of eternal salvation, but in order to serve God. Therefore, according to the advocates, no one of sound mind would believe that a woman of such piety, driven to this extreme by no compelling reason, but rather by the most sacred motives, would willingly suffer harm to her soul. And they conclude, presenting written testimonies from Father Gorlan, Consultor to the General Congregation of the Most Holy Sacrament, and from the petitioner's confessor, as well as a written testimony from the Superior of the nuns of the Immaculate Conception; both commend Gustavia's piety and religion in the most eloquent terms.

[*Latin ed. p. 150*]

150. From the Sacred Congregation, the defender of the bond, from the very beginning, recalls to the actress a fact concerning a child conceived

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nine months after the marriage. This event, which rarely occurs when young women marry willingly and reciprocally, seems miraculous if it happens when a young woman is unwillingly married. Therefore, according to the orator, the husband deserves full belief when, questioned by the judge, he replies: "Yes, did she (the actress) yield without resistance to the conjugal duty?" Furthermore, the defender argues that the actress's claim of a forced marriage, prolonged for five years, is false. Indeed, the marriage was celebrated on February 12, 1874, and barely a year after the marriage, Gustavia left Seraphino; nevertheless, it was only on January 26, 1899, that the woman first realized that she had entered into a marriage against her will. Regarding this matter, the Instruction of the Holy Office, dated January 11, 1886, article on "Impediment of Violence and Fear," states: "Concerning the impediment of violence and fear, it must first be noted that no one is admitted to challenge a marriage on this ground, unless they claim to have suffered violence and coercion; on the contrary, one who has lived in marriage for a long time should be rejected, provided that they have not lacked freedom and opportunity to appeal; so that if, free from fear, someone has remained in the conjugal home of their own accord, and has not neglected marital duties, they should not be heard any further." Adding to the new evidence, the defender of the bond argues that, based on the supplementary documents, the case is not in a better condition. Indeed, among the new witnesses, there is none who recounts any fact from which it could be reasonably inferred that there was any significant fear. With these observations in mind, the following is presented: OBSERVATIONS OF THE DEFENDER OF THE SACRED BOND. REGARDING the question of whether the judgment of the Court of Valentinen should be confirmed or overturned in this case. The Sacred Congregation, after deliberation on June 22, 1901, decided to respond: Based on the foregoing, the judgment should be confirmed.

[*Latin ed. p. 151*]

151 VERSAILLES, OR PARIS. NULLITY OF MARRIAGE. On May 25, 1901. Session 24, Chapter 1, concerning impediments to marriage. Magdalena, a young woman adorned with beauty and a considerable dowry, orphaned by her father in childhood, had barely reached the age of 19 when, on June 2, 1892, in Versailles, in the Church of St. Aloysius, she was joined in marriage to Andrea, who was 22 years old, according to the laws of the Council of Trent. This marriage, greatly desired by the bride's mother, did not prove happy; indeed, it appears that Magdalena was compelled to marry Andrea against her will. Certainly, if what is now being recounted is true, the young woman, to whom the groom's appearance was most displeasing, resisted this marriage with all her might; but the mother, steadfast in her purpose, believing that these marriages would benefit her daughter's happiness, and in order to bind the unwilling spirit

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of her daughter, employed all means, resorting to harshness, threats of being sent to a monastery, and disinheritance; indeed, if credence is to be given, she even terrified the reluctant young woman with the fear of death. Therefore, Magdalena, as she herself states, feeling that she could no longer resist her mother's will, yielded, but entirely unwillingly. Then the marriage was immediately arranged and celebrated as soon as possible. After the marriage, the spouses lived together, and while traveling on their honeymoon, they consummated the marriage without any significant resistance from the woman; but upon the spouses' return to their homeland, either due to the woman's aversion to her husband, or due to his difficult character, it seems certain that their conjugal life was not peaceful. Therefore, less than four months after the beginning of the marriage, with domestic discord increasing day by day, the husband abandoned the conjugal home and obtained a civil divorce decree, which, however, was reversed in favor of the woman through a counter-suit. In the meantime, two years having passed since the separation, in December of the year 1894, Magdalena sent a petition to the Versailles court, requesting that her marriage be declared null.

COMPENDIUM OF THE FACTS.

[*Latin ed. p. 152*]

152 From the decrees of the Council of Trent, it is declared that no marriage should be declared null on the grounds of force and fear. The Ordinary of Versailles instituted a process; he heard the woman, as well as witnesses presented by the plaintiff and by the court, and, after hearing the opinions of a theologian and a canonist, on June 27, 1895, he issued this judgment against the contumacious man: "Considering that, although it is to be admitted that several of the witnesses were related to the plaintiff, and some were friends, nevertheless, their character, their upright conscience, and their knowledge of the facts pertaining to the case, prevent their testimony from being rejected; "Considering that, having been summoned twice and not appearing, the husband had no authority to compel the judges, and that, the civil contract being dissolved, it was rather in his interest that the marriage contracted before the Church should be declared null; therefore, his testimony was weakened; "Considering that, from the depositions of the plaintiff and of several witnesses, it is established that Magdalen did not contract marriage with Andrea except out of reverential fear instilled in her by her mother; "Considering that this fear became grave, both because of the plaintiff's mother's frail health, which any disturbance could aggravate; and because of the threats made by the daughter to the mother, threatening to disinherit her, to drive her to a convent until she was placed under guardianship, and to never care for her regarding another marriage, which threats were made to a young woman not yet nineteen

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years old; "Considering that, if the plaintiff, expressing consent that was not fully and freely of her own will, committed a fault of unconsciousness, this fault does not prevent the consent from being vitiated. "For these reasons, we declare and judge that the marriage in this case was null." As was fitting, the defender of the bond, the Ordinary of Versailles, appealed against this judgment to the Metropolitan Curia of Paris, which, after hearing new witnesses, whom

[*Latin ed. p. 153*]

VERSAILLES, OR PARIS, January 15, 1897. Concerning the case of a certain individual who, initially, had been defiant, on January 25, 1897, I annulled the judgment of the first instance and declared the marriage valid, offering the following reasons for my decision: "Considering that only grave, unjust, and extortive fear invalidates marriage; Considering that it is not apparent how the mother could have been induced to use force against her daughter; Considering that it is not legally proven that the mother threatened the daughter with disinheritance and with placing her in a convent; since, besides the aforementioned individuals, no witness, either visual or auditory, was present; Considering that those who heard these threats, both from the mother and from the daughter, could easily have exaggerated them, especially seeing the daughter in such a miserable state afterward; Considering that it does not appear how those threats, if they existed, as some witnesses claim, could have instilled a grave fear in the daughter's mind, since it is not proven that they were prolonged or insistent; Considering, furthermore, that it does not appear that the daughter had anything serious to fear from the mother, from whom she was greatly loved; Considering that, despite the testimonies of certain witnesses, which seem to indicate a hostile attitude on the part of the plaintiff, no certainty of nullity emerges, either from the individual testimonies or when they are considered collectively; Considering that the testimony of Monsieur Claude, the plaintiff's uncle, although entirely sincere, cannot be entirely free from suspicion, since he loved his niece very much and from the beginning showed himself to be strongly opposed to the marriage; Considering that the strength of the testimony of Madame Rogues is diminished, since it contradicts other serious testimonies concerning the advice given by the late Monsieur Rogues, her husband, regarding the marriage; Having carefully considered all of these and each of these points..." I pronounce...

[*Latin ed. p. 154*]

154 FROM THE DECREES OF THE COUNCIL, we do not sufficiently ascertain the nullity of the marriage in question, and therefore the judgment of Versailles must be reformed." The defendant did not agree with this judgment, and immediately filed an appeal with the Holy See, which she did not pursue until two years later. Synopsis of the Argument. The advo-

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cates for Magdalena present the contentious issue in three main points, and first, they demonstrate that the fear and threat were sufficient to dissolve the marriage, noting that, from the very beginning of the prayer, marriage is contracted solely by consent, and must enjoy full security; therefore, if something is lacking in the freedom of consent, marriage cannot be contracted in any way, as Alexander III teaches in Chapter 14 on betrothals. However, not every fear invalidates freedom and marriage, but only that fear which Canon Law (De Sponsal. et Matr. C. Consultationi) says falls upon a constant man; that is, a serious and unjust fear, imposed by an external cause, to extort consent for marriage. Hence, the theologians of Salamanca, in Tractate IX, on Marriage, Chapter IX, point 1, number 18 and following, state: "The following conditions are commonly assigned for a fear to be considered serious enough to affect a constant man. The first condition for a fear affecting a constant man is that the evil feared must be grave... Secondly, it is required that one not lightly believe that an evil is imminent, but rather that one reasonably and rationally believe it... Thirdly, that the one instilling fear must be able to carry out the threats... Fourthly, that the one instilling fear must be accustomed to carrying out threats, either in the same type of evil, or in another similar one... Fifthly, and finally, that the one fearing cannot easily avert the imminent evils, either by himself, or by a superior, or by friends." With these principles established in law, the advocates proceed to the facts, and first, they present the testimony of Magdalena, who, under oath, testified as follows: "Yes, with my mother, there were threats, violence, there was insistence, a formal refusal to listen to my reasons. She told me that my... MULIERIS DEFENSIO.

[*Latin ed. p. 155*]

PARIS. 155. "Les refus n'étaient que caprice, des idées préconçues; que les défauts de caractère de mon futur disparaîtraient lorsqu'il serait mon mari..." Ma mère ne m'a pas frappée, mais elle a levé la main sur moi, faisant le geste de me frapper, au moment de la signature du contrat, à propos d'une clause non acceptée par M. Andrea; il fit une scène de colère épouvantable, se laissant aller à des réflexions déplacées; ma décision fut prise alors, je m'éloignai de lui, et après le départ de M. Andrea et de sa mère, j'allais vers ma mère, la suppliant, tout en pleurs, de rompre ce mariage. En lui retirant ma bague de fiancée, je la conjurai de la remettre au jeune homme. Elle se mit alors en colère, disant que c'était impossible, le mariage devant avoir lieu dans trois jours. Elle leva la main sur moi, mais sans me frapper, me menaçant de me remettre dès le lendemain au couvent jusqu'à ma majorité, de ne plus s'occuper de moi pour tout autre projet de mariage et de ne pas me donner de dot. Jusqu'au dernier moment, je renouvelai mes supplications, sans rien obtenir."

Ces faits sont confirmés par des témoins les plus dignes de foi. Ainsi, la mère de l'actrice, inspirant crainte et terreur, dit : "J'ai imposé ma volonté

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avec violence. Je lui ai dit : Tu me céderas, ou dès demain tu iras au couvent, où tu resteras jusqu'à ta majorité; je ne m'occuperai d'aucun autre mariage, je ne te donnerai pas de dot, je te déshériterai, et comme la fortune de ton père est insuffisante, tu te tireras d'affaire comme tu pourras." Et M. Claude, oncle de l'actrice, avoue : "J'affirme qu'il y a eu une pression morale excessive, voire des menaces de coups. J'en ai été témoin plusieurs fois; ma sœur a levé la main sur ma nièce en ma présence, la menaçant de la déshériter, de la mettre dans un couvent." De même, Dame Blancher, témoin oculaire, affirme : "qu'elle avait fait de son mieux pour dissuader sa mère, mais que tout avait été inutile; que sa mère l'avait menacée de la mettre au couvent et de la déshériter. J'en ai parlé à Madame, et elle m'a répondu qu'elle le voulait et que cela se ferait." Et, parmi d'autres, le frère de l'actrice témoigne : "J'en ai...".

[*Latin ed. p. 156*]

156 From the testimony of the Council, spoken to my mother, attempting to persuade her to renounce this marriage; but, faced with a categorical refusal, I could only lament her decision... My mother said to my sister, that if she did not want to proceed with this marriage, she would disinherit her and send her back to the convent. Under these conditions, my sister could not do otherwise than obey. From these statements, the advocates infer that the aforementioned first and fifth conditions are verified in a special way. For the evil that is threatened by those words, "she raised her hand against me... threatening to send me back to the convent the very next day, to no longer care for me, and not to give me a dowry," is entirely grave, as the Salmanticenses themselves explain in the cited passage, n. 25: "It must be said that the fear of losing all one's possessions, or a greater part thereof, or a certain great and notable thing, although it is not the greater part of one's possessions; is a grave fear, because, according to the best law, such a loss can terrify a steadfast man." Furthermore, according to the speakers, the mother not only forced her daughter with threats, but also terrified her with the fear of death. The actress says: "She added, in a very violent scene, with a vehemence that was constantly increasing, that this marriage would take place; that she knew how to impose her will on me. Then, entering her room, which is adjacent to mine, she took a revolver from her desk, and showing it to me, loaded as it always is, she said to me: 'Rather than you not make this marriage, I would rather kill you, even if I were to kill myself afterwards.' Then, terrified by these threats, I locked myself in my room." The same is confirmed by the testimonies of the witnesses: The actress's mother, and Lady Demelin, who proposed the marriage, testify that they heard all of this from the actress's uncle, Lord Claude, who had already passed away before the Parisian inquiry in the appeal stage. In addition, the advocates argue, that the mother, being afflicted with poor health, did not want to be separated from her only daughter; but since the man had a

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conjugal home in Versailles, the mother in this way...

[*Latin ed. p. 157*]

VERSAILLES, OR PARIS, 157. He was acting in his own best interest. Therefore, we are dealing with a person who experiences a profound fear, in which case, as Barbosa states in book 2, volume 16, number 30, "only reverential fear is considered sufficient to rescind a contract." Furthermore, the defenders point out that the subject of the matter is a young girl of a timid nature, in whom far less fear is required than in a man. Regarding the matter of Pignatelli, volume 9, canon 173, number 3D, it is stated: "The principal causes of just fear are the minor age of the one experiencing the fear, so that, accordingly, a lesser fear suffices for her weakness." And Sánchez, after writing: "As it must be established with certainty, less fear is required in a woman than in a man," adds: "and the reason is, because although a woman may possess *constantia*, due to the natural constitution of her body, that sex is less able to resist fear than a man; therefore, a lesser fear suffices to overcome and compel a woman to yield, whereas a man endowed with *constantia* is more resistant." (On Matrimony, book 4, section 3). All of this, the advocates confirm, based on the undeniable aversion that the girl constantly experienced towards the man. The orators then turn to the second point of the argument, and strive to demonstrate the gravity of the fear experienced, based on the circumstances that preceded the marriage, that were concurrent with it, and that followed it. Indeed, concerning the events that preceded the wedding, the advocates have already shown how Magdalene from the very beginning abhorred men. They rather point out the manner in which the marriage was hastily arranged. The defenders explain this concern in the following way: since the bride was giving clear signs of repugnance, the tenacious mother intervened, eager to quickly resolve this unfavorable situation, bravely fearing that our young girl, emboldened by the danger, would rush into open rebellion. During the very ceremony of the marriage, the advocates observe, there were no signs lacking of extraordinary sadness and opposition: "I was," said the aunt of the actress, "alone with her in the carriage that took us to the church; she did not cease..."

[*Latin ed. p. 158*]

158 FROM THE HOLY GENERAL COUNCIL concerning weeping during the journey; I must say that she and I had tears in our eyes upon entering the cathedral and death in our hearts." "Neither do the orators say to Mary Magdalene, that these signs of distress ceased after the marriage: several witnesses testify to the contrary. Furthermore, Mary Magdalene refuses to fully fulfill her conjugal duties and only yields under duress. With these things established, the defenders proceed to refute the judgment of the Court of Paris. First of all, the Judge of Paris said: "It must be considered

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that it is not apparent by what reason the mother could have been induced to use force against her daughter." The orators respond that it is absolutely not required that the reason by which someone, inciting fear, is driven to make threats be known, when, as in our case, it is already most certainly established concerning the very fear and the threats made. However, even with this admitted, the orators say that in this case, this reason is not lacking; for several witnesses testify under oath that the mother of the plaintiff had "a fixed idea of marrying her daughter at all costs, at the first opportunity," and they give the reason: "She was convinced that she was going to die, and therefore, her duty was certainly to establish her daughter before leaving her." Regarding the other reason for decision, namely: "it cannot be proven legally that the threats of disinheriting the girl, and of consigning her to a convent, were made by the mother to the daughter, since, apart from these, there was no witness, neither visual nor auditory." The orators reply that the fear is proven by the testimony of witnesses, indeed, according to both divine and human law, two witnesses fully establish the truth, without any exception. Truly, in this case, there are not two, but more than ten who testify concerning the fear, and these, according to the orators, are visual or auditory witnesses, because they saw with their own eyes, both before the marriage, and during the celebration of the marriage, and immediately after the celebration of the marriage, the tears of the girl, and other signs of distress. And, according to the orators, it does not lack foundation that

[*Latin ed. p. 159*]

VERSAILLES. OR PARIS. 159. Another reason for rejecting the testimony, presented by the judge of Paris, is: "Considering that those who heard these threats, both from the mother and the daughter, could easily have exaggerated them." It is unjust, the defenders argue, to reject the testimony of the most excellent witnesses, who are superior to all exceptions in faith and morals; indeed, the very court of Paris wrote to the Sacred Congregation concerning several of them: "These are witnesses, it must be said, who are, in every respect, superior to all exceptions." Therefore, the judge must, in every way, give credence to these witnesses, and he can never reasonably doubt their veracity. Let it not be said that the testimony of Mr. Claude, the uncle of the actress, although entirely sincere, is not free from suspicion, "because, as the judge affirms, he showed himself to be strongly opposed from the beginning to the marriage of his niece with Andrea." But, the speakers exclaim, why would Mr. Claude, who loves his niece very much, have shown himself to be opposed from the beginning to the marriage of his niece with Andrea? Because, as it is clear from the entire summary, the niece herself, from the depths of her heart and from the very beginning, abhorred the marriage, and the uncle daily and urgently begged her to dissuade her mother from entering into

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such a marriage. Therefore, according to the defenders, if, according to the very words of the judge, Mr. Claude loves his niece very much, and precisely because of this love, the uncle left no stone unturned to prevent his niece's marriage, then it follows from the words of the judge of Paris that even Magdalen abhorred the marriage from the beginning, and that she entered into it only under compulsion from her mother; therefore, nothing is proven from the words of the judge regarding the marriage entered into between Andrea and Magdalen. The defenders do not deny that some witnesses, among whom is de Neuville, have testified against the actress; but above all, they cite the authority of Mascardi (De prob, vol. II, concil. 1055, n. i), who states: "Fear is more convincing as evidence when given by witnesses affirming than by those denying; therefore... greater credence should be given to two witnesses testifying."

[*Latin ed. p. 160*]

160 From the canons of the Council concerning fear, which a thousand denying or affirming will attest, concerning "free will." Also, Panimollius, decision 102, part 1, page 375, states: "More credence is given to two witnesses testifying about fear, than to a thousand testifying about spontaneous will." Furthermore, they mention that the witness De Neuville voluntarily appeared before the judge in Paris, and also presented other witnesses to corroborate his testimony. Indeed, according to the advocates, this entire course of action immediately strikes a prudent judge as suspicious, and engenders a certain doubt about the sincerity of this witness. The advocates further assert that the witness does not deserve any trust, because he contradicts himself and is found in open contradiction with other witnesses. The defenders, on the other hand, do not find much weight in the testimonies of other witnesses who were presented by De Neuville himself. For, these witnesses either, with regard to the substance, favor the nullity of the marriage, or, if they affirm something to the contrary, they state that they received this information from De Neuville himself, or it is easily deduced from their own responses. Finally, the advocates conclude their arguments by stating that nothing can be concluded about the validity of the marriage from the cohabitation and union of bodies. For, after the decree of Trent, it was established that a marriage is not validly contracted, and a subsequent lack of consent does not validate it, unless it is contracted again before a priest and witnesses. Regarding this, Barbosa, *De Officiis Episcoporum*, appendix 32, number 149, states: "According to current law, cohabitation cannot effect a marriage; a new consent is also required, and the *forma* of the Council." And the reasoning is clearly demonstrated in the decision, book 2, decision 17, number 178, where it states: "The reason is because all the form and solemnity that must be present in an act for it to be valid must also be present in the ratification; and the solemnity cannot be lacking because of something that preceded it, since that solemnity must

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concur at the time of the act, and cannot be separated from it; nor can fiction or retroaction help, since it is not done when the act is entirely [valid]."

[*Latin ed. p. 161*]

VERSAILLES, OR PARIS. 161 "nullus." Wherefore, the Sacred Congregation declared in Palermo, concerning nullity of marriage, on September 30, 1719: "The Sacred Congregation, etc., has repeatedly responded that, after the Council of Trent, a marriage contracted under fear, and purged of that fear through cohabitation with carnal intercourse and other acts, is not validated, unless it is contracted again, using the form again prescribed by that same Council."

OBSERVATIONS OF THE DEFENDER OF THE VALID MARRIAGE.

On the other hand, the Defender of the valid marriage, from the very beginning of the proceedings, recalls that while the woman contradicts the validity of the marriage by force and fear, the man, on the other hand, seems to affirm the nullity, because the wife had imposed a scandalous condition upon the marriage. But since the man does not urge a legal investigation on this matter, the Defender of the valid marriage proceeds with the alleged fear, which he says is to be considered in light of the woman's mental state. And first of all, he notes that the actress has already decided to abandon her action, because she acquiesced for a long period of two years to the judgment of the Parisian court. Indeed, the president of the Parisian tribunal reported to the Most Reverend Prefect of the Sacred Congregation on March 9, 1899: "The actress has duly appealed, but she did not immediately pursue it, but rather requested that, within a few days, the case be discussed before the Sacred Congregation in a third instance, and that all the records be sent."

Indeed, the advocate affirms that fatal impediments prevent the acceptance of Magdalena's appeal to the Sacred Congregation. Regarding this matter, chapter 6, on "appeals," in VI (there), prescribes: "From the one who appeals, a petition must be presented to the Apostles within thirty days, and the same must be presented to them within the aforementioned time; otherwise, it is presumed that the appellant has renounced his appeal, if he fails to petition them within the same time, even if he goes or sends someone to pursue such an appeal."

To which, if it is objected that matrimonial cases never pass into judgment, the Defender replies that the aforementioned provisions apply only when the invalid marriage cannot be validated by the consent of the parties. Regarding this, in Sánchez in ceActa, Vol. XXXIV, page CCCXCIX, 11.

[*Latin ed. p. 162*]

162 From the book of the Council, *De Matrimonio*, book 7, disputa-

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tion 100, paragraph 13: "Understand that [a judgment] does not pass into the realm of things judged definitively; when, from the observance of that judgment, sin is fostered, neither the consent of both parties can remove the fault. As if a judgment were issued against a legitimate marriage, declaring it null and void, or in favor of a marriage with a hindrance that removes the impediment. But it passes into the realm of things judged definitively when, with the consent of both, the fault can cease and the marriage can stand. As if it were disputed whether a certain marriage was legitimate, and one party alleges fear...". Indeed, although it may be conceded, perhaps falsely, that we are dealing with a case in which a judgment never passes into the realm of things judged definitively, nevertheless, according to the speaker, the appeal of Magdalena would, they say, and in terms, be rejected. Sánchez, in the aforementioned place, numbers 4, 8, and 9: "Understand, however, that a judgment concerning marriage does not pass into the realm of things judged definitively... in this sense: that it cannot be challenged through a complaint against it. But it acquires the authority of a thing judged definitively, so that it cannot be corrected under the pretext of an appeal... In order for this judgment to be overturned, it is necessary that the condemned party bring a new complaint, with a new petition, in which the conjugal cause, which had already been definitively judged once, is brought before judgment again; and that the judgment be revoked due to a detected error. For as far as the matter is concerned, the case has passed into the realm of things judged definitively... And a new complaint must be presented before the judge who rendered the first judgment." Turning to the merits of the question, the speaker first notes that, after three months from the time the husband ceased conjugal life, Magdalena made great efforts to bring Andrew, who was fleeing, back to the home; which, he says, she certainly swore. Furthermore, from Andrew's flight to the petition: "the request that I make," more than two years have elapsed. For Andrew fled on September 7, 1892, while the petition was presented on December 12, 1894. In the meantime, "he [Andrew] filed for divorce; I [Magdalena] requested a separation. After the divorce petition..."

[*Latin ed. p. 163*]

AT VERSAILLES, OR PARIS, 163. "Made by my husband, my lawyers had me file a counterclaim for divorce." The defender observes that the lawyers of Magdalena, that is, the most learned jurists Albert Claude and Henry Rudelle, did not only fail to act on the alleged forced marriage in the aforementioned (counterclaim), but Magdalena first heard, after two years, "talk in the world of cases of annulment due to coercion." The more insistent advocate, approaching the question, recounts well-known facts from Versailles, which are entirely incompatible with the alleged fear. Indeed, the seventy-year-old priest, Vincent Davin, canon of the cathedral church of Versailles, a witness summoned by the Paris appellate judge ex officio, in

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the course of his oral examination, consigned most important statements, which completely exclude any serious fear. "I. M. the Count de Neuville*** and Madame la Comtesse • assured that the marriage was strongly desired by the mothers of the two spouses, and that they asked Madame la Générale Ameil to use her good offices in the matter." "II. A venerable lady, a penitent of the witness, who recently brought her the Holy Eucharist and administered Extreme Unction, wrote the following letter addressed to the witness herself: - I have the honor to confirm in writing what I told you regarding this trial, namely: that I was very surprised that it was alleged that Madame la mère had forced her daughter to marry. Chance brought me to meet the young spouses visiting a friend for their wedding visit. It had been about a month since they were married. Madame Madeleine, whom I saw for the first time, seemed very cheerful; she talked a great deal. I believed her to be completely happy. "This is what I believe I can attest before God..." "III. The friend mentioned in this testimony, Madame la Comtesse de***, said, on her part, the same thing to the witness." Nor do the vice-counts of Berthenay state otherwise, for...

[*Latin ed. p. 164*]

164. The speaker cites the testimony of the Most Holy Council, stating that witnesses reside in the same house and family as Magdalene, having done so since the year 1838: "The young woman, before the marriage, appeared very happy. And at the time of the religious ceremony and in the gathering that followed, she was very satisfied. Here is a fact that occurred before the marriage. I have seen Mademoiselle twice at her window, following with her eyes Mr. Andrea, who was walking in the street; such a thing must have happened often, because Mr. de Geslin said that this marriage took place through the window. Another person, whose name I may perhaps be able to give, whom I forget at this moment, repeated to me these words of Mademoiselle, one day when she was returning from the convent of Grand-champ, where she was raised: 'The first time I met Mr. Andrea, I felt something that told me that I would be his wife.'"

Questioned by the defender of the sacrament: "What reasons could the young woman have had to reject this proposal?" The vice-prosecutor replied: "The young woman had no reason to reject the proposal of her mother; on the contrary, she was enamored of the young man, who was a handsome gentleman."

The witness, concerning the mother of the actress, affirms: "I consider Mademoiselle's mother to be too fond of her children; she is too good a mother, too devoted to her children to force her daughter into a marriage against her will, which could have brought misfortune to this child."

Finally, speaking of the celebration of the marriage, the witness testifies: "I attended the religious marriage and I noticed a general satisfaction, and in the young woman, great joy, not only during the religious ceremony, but

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also at the lunch that followed."

The same is reported by the vice-prosecutrix, who was questioned by the judge about what happened before the marriage. The witnesses, who favor the actress, according to the defender of the bond, do not seem to be free from a desire to favor one side. Thus, Albert-Claude is the actress's uncle, and "he had retired to..."

[*Latin ed. p. 165*]

VERSAILLES, OR PARIS, 165 – "sa soeur (the actress's mother)" – the advocate Rudelle defended the actress before a lay magistrate. And yet, these are the witnesses upon whom the actress relies most. Furthermore, the defender laments that these witnesses, when recounting events, do not invite objections from those impartial to the interests of either party, but rather they avoid such objections, so that the investigating judge cannot easily ascertain whether the events occurred as they claim. Thus, the event recounted by Advocate Rudelle, which is brought forward to demonstrate the fear instilled in Magdalena by her mother, is narrated as follows: "One day, when Mademoiselle Blanchier accompanied Mademoiselle Magdalena on a walk in Paris, the latter confided in her about the violent repugnance she felt towards Mr. Andrea, and even about her resolution not to enter into that marriage. Upon returning to Versailles, Mademoiselle Blanchier – felt it necessary to make observations to the mother and to tell her that she had no right to force her daughter to marry Mr. Andrea against her will. The mother took these observations very badly. After Mademoiselle Blanchier left, she had a violent outburst with her daughter; she reproached her for confiding in a servant about family matters. Finally, opening her secretary, she showed her daughter a revolver, telling her that if she did not marry Mr. Andrea, she would not hesitate to kill her, even if it meant killing herself afterwards. Moreover, according to the defender, the law stipulates that a judge must not consider such an event to have any value whatsoever. For the event occurred between the actress and her mother, both having an interest, with all impartiality removed, and the Advocate received this information from the actress's uncle, the jurist Albert Claude, and from the actress herself, at a suspicious time. Furthermore, according to the orator, this event contains several elements entirely foreign to probability. Firstly, the advocate Rudelle, when recounting the event on March 2, 1900, asserts that he omitted it during the judicial examination of February 23, 1875, because: "she (the actress) refused to let me recount this event; she was afraid of the moral consequences that would..."

[*Latin ed. p. 166*]

166 FROM THE HOLY COUNCIL, it would result for her mother, from this deposition." It is not easy to see what moral consequences could have arisen, nor does the advocate indicate any moral consequences that fol-

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lowed from that act, either at the time or subsequently. He himself recalls these things. However, according to the defender of the sacrament, these are contradicted by the testimony of the most excellent witnesses, who state that the actress freely married Andrea. Indeed, Sister Maria Stephania, president of the convent, who educated the actress in discipline, states: "When she announced her marriage, she appeared happy." Sister Ludovica, the general superior, a witness brought in by the actress, testifies herself: "She appeared happy, as do all young women." Father Petrus Ruas, the assistant pastor, a priest who officiated at the marriage of Magdalena and Andrea, a witness brought in by duty, testifies: "I have no doubt, although I do not precisely remember whether the word 'yes' was spoken or simply a sign; but I always have the habit of looking at the bride and groom, and I am certain that I did not continue until I saw a sign of consent." To the judge, he said: "Did you receive, after the marriage, any confidence from Mr. Andrea?" The assistant pastor replied: "I saw him some time after his return from his journey. He spoke to me first about everyday matters, in which he found his wife to be demanding and frivolous. He added that, with regard to conjugal relations, she had constantly refused the consummation of the marriage: he said that she had received from her mother the recommendation not to have children, and to procure abortifacients to prevent conception. Furthermore, he was convinced that he had not received her as a virgin." Indeed, after the judicial examination, Canon Versalien, Vincentius Davin, after the judicial examination, wrote to the judge: "I have just learned, through a third party among my friends, that my confrere from the St. Vincent de Paul conference, Mr. Gean, a linen merchant (14 rue Royal, Versailles), is carrying

[*Latin ed. p. 167*]

VERSAILLES, OR PARIS. 167. The fiancée (addressed to an actress) had a portion of her trousseau delivered, and she found that the fiancé was showing her signs of great affection, which astonished her. It is thought that, if summoned, he would not refuse to appear before the Tribunal. The true judge brings forward the aforementioned Mr. Gean, a merchant, for a judicial examination, and the witness, having been questioned about this matter, replies: "Indeed, it seemed to me that, while I was at Mrs. [the mother's] house delivering Mademoiselle's trousseau, the two young people (the fiancés) were behind me, and when I turned around, I saw the young man kiss the young woman. Both of them then withdrew into the neighboring room." The defender is not surprised that the most distinguished witnesses have testified before the Tribunal. And they behaved in this way also because they believe that the judges could ascertain the truth even without their testimony. For it is publicly known to the citizens of Versailles that Magdalen married Andrea, both willing. Having considered these matters from both sides, the purpose is to resolve the doubt as

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to whether the sentence of the Archiepiscopal Court of Paris in this case should be confirmed or overturned. RESOLUTION. The Sacred Congregation of the Holy Office, after deliberation on May 25, 1901, decided to respond: From what has been presented, it does not sufficiently appear that the marriage is null.

[*Latin ed. p. 168*]

URGEL. CONCERNING CHORAL SERVICE. June 22, 1901. Session 24, chapter 12. Concerning reforms.

A summary of the facts: When Alos, a canon, obtained the position of Praelector in the Cathedral of Urgel, a serious question arose in the Chapter, namely: "Does a canon who, having relinquished his first canonry, obtains another canonry in the same church, or is promoted to some office, lose all the rights and privileges of his first canonry?" Therefore, the task of clarifying this question was entrusted to two canons of the Chapter; however, since they could not agree, and their opinions diverged, the matter remained unresolved. In the meantime, when the canon responsible for penitential matters died, Joseph Serra was appointed to fill his place, at that time holding a canonry in the same church. To resolve the aforementioned question, he deemed it best to submit a petition to the Sacred Congregation of Rites on January 28, 1899, noting that in the Catholic Church of Urgel, since July 23, 1548, there existed a particular statute, confirmed by the Holy See, by virtue of which, as he stated, the older canon in the service of the Church enjoys a certain privilege, namely, exemption from duties during canonical hours; while the canon newly received into the Chapter is obligated for a year of novitiate. Furthermore, since the canons do not have a fixed stall, so that the newly received one holds the last stall, and the others use the stall to which they are entitled according to their seniority in the Church, the aforementioned canon responsible for penitential matters proposed the following questions to the Sacred Congregation of Rites for clarification:

I. Is the seniority acquired from the first canonry taken into account in calculating seniority for the service of the Church?

II. Can a canon who obtains another canonry or office in the same church be obligated for another year of novitiate?

III. Is seniority in service—

[*Latin ed. p. 169*]

URGELLEN. Whether the vice-dean of the Church can retain his first stall, or whether he ought to occupy the stall of the last canon. Although the affirmative answer applies to the second part; it is earnestly requested that the canon be granted, by an Apostolic Indult, the faculty of retaining his first stall, if he has fulfilled the aforementioned penitential duties. On February 27th of the same year, a response was sent to the Most Rev-

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erend Bishop, instructing him to inquire about the opinions of the Chapter regarding the doubts raised by the canon, and to report them. The outcome of the matter is reported by the Most Reverend Bishop in a letter dated February 23, 1900. I. "Since the capitulars had gone in different directions [of opinion], a commission was appointed by the Chapter, which, after careful consideration, would agree on something acceptable to all. But, unfortunately: from the discussion, two opinions emerged, and one side defended one of them with all its might, so that two dissertations were presented to the Chapter, so that it might choose between the two opinions. "Then a new commission was appointed, which, after reviewing the arguments and difficulties presented by both sides, would propose an opinion to the Chapter for its approval, to be submitted to this Holy Congregation. "The matter was finally brought before the Chapter, with twelve capitulars present (the Penitentiary having excused himself, as it concerned a matter pertaining to him), six cast their votes in favor of the opinion: five, however, voted against it, arguing that the opinion had not been faithfully and accurately presented, and that, as they saw it, arguments in favor of the canonical rights of the Penitentiary were omitted or weakened in it, reserving the right to defend their opinion before this Holy Congregation, and also wishing that their opinion be recorded in the Chapter's records. These five capitulars were later joined by a sick capitular, as well as the Penitentiary himself, as is to be supposed." Therefore, it is helpful to preface the questions with the understanding that the first doubt refers to the custom in the Cathedral Church of Urgellen, which is in force, and therefore two titles are relevant.

[*Latin ed. p. 170*]

170 FROM THE DECREES OF THE COUNCIL: Two reasons exist for obtaining jubilation, or exemption from choir service; one is for having served for 30 years, the other is for seniority appropriate to all canons, to the older canon. And now the question concerns this second type of jubilation. Two other questions relate to the legal effects that follow from a changed canonry; and first, it is asked whether he who obtains a new canonry is obligated to undergo a novitiate or some form of apprenticeship that canons enter when they are co-opted into the chapter; secondly, it is asked whether the canon who has obtained a new canonry must return to the first stall, as the newest of the canons.

A concise discussion: The discussion begins with the first doubt, which, with the consent of the procurator of the chapter, was formulated as follows: "Whether seniority, for the purpose of obtaining exemption from choir service, should be calculated from the day the first canonry was obtained, or rather from the day on which the canon actually obtained and occupied the canonry." But prior to this question, there is a preliminary question: whether it can indeed be proven that an older canon, or one who

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excels others by reason of seniority, or who enjoys a legal precedence, can enjoy exemption from choir service.

Furthermore, in the cited chapter statutes, article 26, concerning the office of the Punctator, it is stated: "Given the circumstances, the venerable custom of this Holy Church will be preserved, whereby the canon who is senior in the chapter is considered exempt from service in the choir and in the divine offices of the church, and his absence must be noted in the book of notations." And it continues: "However, it will be the duty of the chapter to investigate and determine who, after the last canon who was granted jubilation has died, will be found to be in this case, etc." And several things must be noted in this statute. First, here we are dealing with the canon who is granted jubilation, or jubilation itself; but here we are not speaking of the grant of jubilation which a canon obtains for laudable and continuous service to the choir, for this species of jubilation...

[*Latin ed. p. 171*]

URGELLEN. 17. Dispensations, which are not, of themselves, permitted by common law, but are granted through a benign interpretation of the law and through long-standing custom, and are conferred through individual indulgences by the Sacred Congregation for the Clergy, as is extensively explained in the renowned Fulgentius. Doubts regarding this type of dispensation were raised on September 24th and December 17th, 1718. Regarding this type of dispensation, it is cautioned (according to the canons) – particularly in a statute dated July 23rd, 1548, and confirmed by this Holy See – that "Furthermore, We decree and order that certain customs concerning the insignia of Cathedral Churches be amended, so that, from now on, if any canon or successor shall have served Our Church for thirty years in the daily and nightly hours and offices, after such a period of service, he shall be considered, as it were, a retired soldier, and shall receive, as a reward for so much devoted labor and as a solace in his old age, a dispensation from the morning hours." Indeed, this type of dispensation is different in two respects from the practice of the Sacred Congregation for the Clergy: first, because it is granted after thirty years of service, while the Sacred Congregation for the Clergy usually grants this dispensation after forty years of service; second, because the canons attribute the granting of this type of dispensation to themselves, as if by right, without seeking permission from the Holy See. However, this practice, in both respects, was examined by the Sacred Congregation for the Clergy in Urgellen, on August 19th, 1899, and was not disapproved, inasmuch as it was established by a special privilege of the Holy See; this privilege is contained in the statutes approved and confirmed by the Apostolic See. Indeed, the Council of Trent, in Session 24, chapter 12, condemned all customs that were contrary to its decree, but the Sacred Congregation for the Clergy has recognized that the Council of Trent did not rescind statutes confirmed by the Holy See. This question was

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formally proposed to the Sacred Congregation for the Clergy in Urgellen, on December 16th, 1899, but the Sacred Congregation for the Clergy left the matter unresolved. It is useful to mention from documents that seem to support this theory. Indeed, it should be noted that the full force of special statutes, not abolished by the decree of the Council of Trent, has been recognized as belonging to the Capitular statutes expressly approved or confirmed by the Holy See.

[*Latin ed. p. 172*]

172 FROM THE DECREES OF THE GENERAL COUNCIL. The Holy Congregation, in truth, issued a decree in the year 1583 stating: "The concordat approved by the Apostolic See is not abolished by the Council" (lib. Decret., 4, p. 88, verso, cited by Benedict XIV, loc. cit.). And in a certain document from Bologna, in the year 1584, lib. 4, Decret., p. 168, loc. cit., the following is found: "In session 24, chapter 12, it is stated that those holding dignities or canonries are not permitted, by virtue of any statute or custom, to be absent from those churches for more than three months in any year. The question is asked: whether it is permissible for canons who held constitutions made or confirmed by the authority of the Apostolic See before the Council of Trent, which granted them a vacation of two months, and who, during that time, were considered present and received distributions, whether such constitutions are to be considered revoked by the Council of Trent?" The Sacred Congregation responded: "It is permissible to be absent, but not to receive distributions; regarding the second point, constitutions confirmed by the Apostolic See are not to be considered abolished." Furthermore, Fagnanus, in the work cited, n. 58 and following, states: "The second main conclusion is false if provision has been made in the foundation of the church, so that it is permissible to be absent for more than three months. For although this has been a long-standing doubt, and has been much debated in the Holy Congregation, nevertheless, when the canons of the church of Gecobicen requested to have it declared whether the constitution issued in the foundation of their church, which permitted canons to be absent for more than three months, was considered abolished by the Council, session 24, chapter 12, four Cardinals considered that it did not derogate from the foundation. Eight considered that it did derogate, presupposing that the Council had abolished the immemorial custom in this matter of residence in cathedrals; for it provides a better title that can be alleged, and thus also a title of the foundation. Therefore, etc. The decision of Ludov. Rom. does not apply, who say that by a general constitution, a derogation from the foundation is never to be considered; for they speak of a foundation made by a lay patron, so that it cannot be withdrawn by the foundation. Also, in a derogation made by the Pope in the collation of a benefice. Now, the question is about a derogation of the law in the

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foundation, which is unknown."

[*Latin ed. p. 173*]

URGELLEN. 175, concerning which a decision was made, even if the right of patronage exists. But it was not a definitive resolution, but rather a statement intended to appear as a foundation, and subsequently it was referred again to the Congregation. However, on February 21, 1579, a small Congregation declared that the privilege granted in the foundation had not been revoked, despite the Congregation's general doubts. "It is fallacious to argue that, if the law of the Church, confirmed by the Holy See, allows a longer period of absence, the decree of the Council in d. cap. 12, although it may abolish the laws of the Church, does not abolish those confirmed by the Holy See, due to the double bond... Therefore, when a doubt arose in Valencia concerning whether the law confirmed by the Holy See, which stipulated that canons residing there could be exempt from residence for four months, had been abolished by d. cap. 12, the Holy Congregation decided that action should be taken with the Most Holy Father... His Holiness said that it should be proposed in the general Congregation. The general Congregation, on July 7, 1575, considered the matter; four, namely Ursinus of Sens, St. Sixtus, Carafa, believed that the law, although confirmed, had been abolished by the Council in the aforementioned chapter, based on the Council's intention, which was only to grant three months for greater divine worship... Furthermore, because almost all such laws had been approved by the Holy See. Therefore, it is easily seen that the Council's provision regarding residence can be circumvented. Three, namely Moron, Ges, and Ale, believed that it had not been abolished, because it is not clear from the Council's intention, nor can it be inferred from anywhere other than the proper meaning of the words. But the words of the Council, according to common theory, do not invalidate what has been approved by the Holy See, unless they explicitly state so, and the Council expressed elsewhere when it wished to do so... Finally, it was decided to grant more time for further information, and then to refer the matter to the Most Holy Father. Subsequently, after another Congregation was held, four voted in favor of the law, and four voted against. After hearing these opinions, the Most Holy Father ordered that the confirmed law be observed." These matters are more directly relevant to our question, because the article of the statutes which grants the second type of benefice to an older canon, is based on its foundation.

[*Latin ed. p. 174*]

174. The Council of Trent appeals solely to immemorial custom, and does not invoke statutes confirmed by the Holy See, which are said to be contained only in a particular statute or case. However, it is not sufficient for an immemorial custom to impede the force of the decree of Trent, as the

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responses of the Sacred Congregation of Rites, published in cases similar to our own, demonstrate. Indeed, García de Beneficiis, Part III, Chapter 2, § I, no. 196, states: "And those holding dignities in the Church of Toledo and in some other churches of Spain claim not to be bound by residence, and do not reside, because they say it is an immemorial custom not to reside. Nevertheless, in the matter at hand, and according to the mind of the Council in chapter 12, verse [referring to a specific verse], and because those holding such positions are in opposition to what is prescribed, the Sacred Congregation judged that the Council had abolished even an immemorial custom, as appears from the following declarations concerning chapter 12 (which also seems to be the opinion of Covarruvias, Dict. lib. 3, various chapters, 13, under no. 9). First (there), or rather, 'even an immemorial custom.' Second, His Holiness Gregory XIII, on the opinion of the Congregation, declared that an immemorial custom does not excuse from residence in cathedrals and collegiate churches. Third, the Congregation, that is, the most illustrious Cardinals, judged that the immemorial custom had been abolished by the Council, and that sworn statutes were of no value; as has already been stated, and that statutes confirmed by apostolic authority were not abolished by the Council, Session 24, chapter 12." Furthermore, García himself, I. c., no. 245, demonstrates that in Spain, cases excusing canonical residence have been admitted too easily, stating that it has been doubted "whether the statute or custom of some churches has been revoked, in which more than three months are given each month for the shaving of the beard. Indeed, it seems to have been revoked, unless it has been expressly confirmed, from which it follows that more than three months and the shaving of the beard are not a legitimate cause for absence, especially because it can easily be done outside or after the time of divine offices." And Aleán, Moneta de distrib., p. 2, q. 13, states.

[*Latin ed. p. 175*]

URGELLEN. 175 •n. 45 concerning matters pertaining to Navarre, concerning prayer, chapter 5, n. 25, and chapter 21, number 64." It is better to recall what Barbosa states in *De can. et dignitatibus*, chapter 24, n. 13, where, besides the joy [involved], he admits, by virtue of an ancient custom, that it is possible to grant "distributions to elderly clerics after the seventieth year, even though they do not perform divine offices." However, in the matter at hand, the issue is not simply about an elderly person of seventy years, but rather whether someone older can enjoy this immunity, by virtue of custom, notwithstanding the decree of the Council of Trent, Session 24, chapter 12. These points are to be noted concerning the very preliminary question. Furthermore, concerning the merit involved, since the Penitentiary argues that this is not about seniority based on age, but about seniority based on canonical service, it is fitting to note, as will be explained further in relation to the 3rd objection, that the solution to the

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question depends on the law by which a cleric acquires another canonry or benefice, namely, whether by the law of option, or by the law of new collation, that is, another canonical title. For different effects result from option, and those that are held to result from a newly conferred or acquired canonical title. Regarding the law of option, Barbosa, in the aforementioned work, after noting that older individuals should regularly be given preference (chapter 30, n. 7), then states in n. 9: "Understand by 'older' not age, but rather the earlier reception of the *Glossa Ordinaria*, as in *Verb. antiquior*, in Clementine, end of *de praeb.*, *Rota Decis.* 6, n. 2. Concerning custom in antiquity, and decision 411, n. 2, part 1, division, etc. And thus, those who are considered 'older' in the matter of a benefice are those who have served longer in the Church, as stated by Menoch, *De arbitr. caus.* 24, n. 5, and who have been in possession earlier, even if they are later in the provision." Indeed, natural and legal reason dictates, in a broad sense, that within a certain college, someone should be considered 'older' based on their reception into the college, provided that, according to the aforementioned statement, "reception makes one a brother, not a benefice," as Barbosa extensively demonstrates in his work, chapter 12. Therefore, concerning...

[*Latin ed. p. 176*]

176. The effect of the option from the General Council is that it is the older canonry, which, in relation to all other canonries, takes precedence in the chapter; but by means of the option, only the benefice is changed, but not the canonical title itself. And for this reason, Barbosa I, in note 20, states that the canonry of Penitentiarum cannot be obtained by means of the option, because here it is not merely a benefice that is granted, but a new canonical title. We have noted this concerning the first doubt, but the Most Reverend Fathers will deliberate whether a custom, even if ancient, by virtue of which the older canonry arrogates immunity from choir service, can be confirmed.

Concerning the second doubt, formulated as follows: "Whether a canon who is transferred to another canonry is obliged to repeat his novitiate," any discussion seems superfluous, since this matter pertains entirely to the particular law of the Church of Urgellen. Since the law concerning the novitiate does not contradict the law of residence, but rather amplifies it, so that the novice cannot be absent, for the entire year of his novitiate, not even for one hour, day or night, from the place of his residence, nothing seems to prevent the Sacred Congregation from accepting the same custom and ordering it to be observed in accordance with the Constitutions, as the capitulars contend in their observations: "The novitiate must be completed as many times as a new canonry is obtained, unless otherwise granted by an apostolic dispensation or the consent of the chapter, due to particular circumstances." Indeed, in the year 1897, as I discovered in the archives,

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Canon Joseph Panades requested a dispensation from the novitiate in the Cathedral Church of Urgellen, and on May 29th, a rescript was received from the Sacred Congregation by the Most Reverend Bishop, granting the necessary faculties.

The third doubt is as follows: "Which seat in the chapter and in the choir is due to a canon who is transferred from one canonry to another?" For the canons who oppose the canonry of Penitentiarum contend that, upon the dismissal of one canonry, the ancient seniority, precedence, and other rights that would have belonged to him by reason of that canonry are lost.

[*Latin ed. p. 177*]

URGELLEN. – It is advisable, in order to remove any ambiguity in a matter of doctrine which is not without difficulty, since it concerns a true, albeit subtle, distinction between the office actually conferred and the canonical title or prebend, to note that, according to the law of option, as it is asserted to be in force in the Chapter of Urgellen, a new canonical title cannot be obtained; but only a new office, insofar as this is distinct from the canonical title and pertains to the revenues of the prebend. Given this, the decisions of the Sacred Congregation of Councils and the Sacred Congregation of Rites, which are cited at length by the Penitentiary, refer to precedence, to the stall, and to other rights of this kind, even to antiquity, as in the decree Gallien., August 18, 1792, in which the privileges of the stall, the turn, and the seniority of age were denied to Joseph Alberi, a canon of the Cathedral Church, who, having been promoted to the fifth canonical seat after twenty years, obtained more substantial revenues but the most recent canonry. However, these effects occur only when the canonical title itself is relinquished, and not merely when there is a change in the office. Indeed, a most certain rule has been established in the Church, that whenever the title of a prior canonry which someone held is relinquished, another, through a new collation, obtains it, and also loses the former precedence, and must occupy the last seat, as stated by Ceccoperius, *lucitb. canon.*, book 2, volume 1, title 3, number 10, and confirmed by the Sacred Congregation in the aforementioned decree Gallien.; and in Fermo, concerning the stalls, on December 2, 1843. And the Sacred Congregation of Rites (new collection, number 469), in Cassanen., July 12, 1628, where it was inquired whether Marius Granito, a canon of the same Cathedral who had obtained a more substantial canonry in the same Church, could retain the first stall and place of the canonry already relinquished; and it was decided: "He cannot retain the stall of the canonry already relinquished, as has already been declared." Furthermore, it is stated, and indeed more clearly, in other decisions, by the Penitentiary, who nevertheless strives to show that antiquity is something different in Chapter Urgellen from antiquity; and he concludes that antiquity is a quality that stands on its own, or is principal, and is also

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attached to the person.

[*Latin ed. p. 178*]

178 FROM THE DECREES OF THE COUNCIL and canonical laws concerning the service rendered, when even here, the canonical title is changed. – But it does not appear how this antiquity is to be distinguished from the antiquity of which the decree of Callin, cited above, and countless others speak. Indeed, this antiquity, or seniority, is not lost if the matter concerns a simple right of option. For sometimes, in Cathedrals or Colleges, there exists the right to choose, by virtue of which a canon can also obtain a prebend, but without changing the canonical title: "This right of option (as Barbosa states, op. cit., chapter 30, n. 2) is founded in ecclesiastical institutions, because since prebends or prebendals consist of mere and bare temporal possessions, derived from certain assigned properties, therefore, among the canons themselves, they can be exchanged!" If, then, there is no conferring of a title or canonry, but only the acquisition of a prebend. – Furthermore, it is well established in law that a person can truly become a canon through a canonry, even if he has not yet obtained a prebend. Consequently, by obtaining a new prebend, through the right of option, the canon does not lose the place and stall already obtained, nor his seniority; and this was decided by the Sacred Congregation in Rome, in the Precedence of 1700, on November 27th, and in the Precedence of Albano, on December 14th, 1816; and in the Tenures of Macera, on December 22nd, 1832, § Concerning Canons. The Penitentiary clearly expressed the force of this doctrine, stating that, while on the one hand he appealed to the right of option existing in the Cathedral of Urgella, on the other hand he protested that, by apostolic privilege, such a right can also be exercised in changing canonical titles, so that, in this way, canons, being transferred from one to another, do not lose their seniority or antiquity, their stall, etc. Indeed, the Penitentiary stated: "As for options, there are countless acts... demonstrating the continuous exercise of this right, according to a certain privilege or statute, confirmed by apostolic authority, and observed without interruption until now, so that older canons in service, in the aforementioned Holy Church of Urgella, can and are able..."

[*Latin ed. p. 179*]

URGELLEN. 179: "To adapt dignities, canonries, and vacant benefices. And it must be noted that they sought and obtained not only benefices, but also dignities and canonries, that is, distinct titles, etc." Furthermore, the establishment of a Penitentiary is not a simple right or a benefit of a benefice, but a true canonical title, a matter of the most profound law; and this is beyond dispute among all canonists, as Barbosa states in his work, chapter 26, number 23. Nevertheless, this privilege does not seem sufficiently secure, because some capitulars assert the contrary, and quite

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the opposite; and the Penitentiary himself bases his assertion on the uncertain assertion of others, namely, as they say. The Penitentiary himself acknowledges that this asserted right is not the most secure; therefore, he resorts to the grace of dispensation, so that he may retain his former place or precedence. And this grace is usually granted by the Sacred Congregation, as in Sutri, on July 28, 1770; but it usually requires the condition that other capitulars do not contradict, but spontaneously consent. With these considerations in mind, the following questions were proposed: I. Whether antiquity, in order to obtain immunity from service in the choir, should be counted from the day the canonry was obtained, or rather from the day on which the canon actually possessed the canonry, in this case. II. Whether a canon transferred to another canonry is obliged to repeat his novitiate in this case. III. Which seat in the chapter and in the choir is due to the canon, transferred to another canonry, in this case. RESOLUTION. After deliberation by the Sacred Congregation on June 21, 1901, it decided to respond: To I: Further information must be gathered and investigated. To II: Affirmative. To III: The Penitentiary is due the last seat, or the last stall.

[*Latin ed. p. 180*]

180 MACERATA. REGARDING DEPUTIES OF THE SEMINARY. August 17, 1901. Through summary petitions. A SUMMARY OF THE FACTS. The Bishop of Macerata, dated March 4th of this year, sent the following letter to the Sacred Congregation of the Council: "The canons of the Macerata Cathedral have always participated in the election of the deputy of the Seminary, who pertains to the clergy. Now, some have opposed this custom, as if it were contrary to common law; since said canons have already exercised this right in the election of another deputy, who pertains to the Chapter. Therefore, he seeks a resolution of the following doubts: I. Do the canons of the Macerata Cathedral, due to custom, have the right to cast their vote in the election of the deputy of the Clergy? II. Is it permissible to be represented by absence, and to cast a vote through a delegation?"

A SYNOPTIC DISCUSSION. Regarding the first doubt proposed, it was decided to note the following: The Council of Trent, Session 23, chapter 18, concerning reforms, with regard to the deputies of the Seminary, who are in charge of the economic affairs of the same, states: "...the same Bishop, with the advice of two from the Chapter, one of whom is chosen by the Bishop, and the other by the Chapter itself, and also of two from the clergy of the city, of whom one is likewise chosen by the Bishop, and the other by the clergy (1)." From what follows, as stated in the decree, it is clear that the Council of Trent used the terms "Chapter" and "Clergy" as distinct moral entities, and assigned to each its own right and duty to choose; thus, the election of one deputy pertains to the Chapter, and the election of another to the clergy of the diocese; besides the two others who are to be chosen by the Bishop. Therefore, the custom mentioned in the introduction, whereby

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the deputy is to be elected by the clergy, is not exclusively by the clergy, but with..."

(1) See Volume XII, 497, Appendix VII.

[*Latin ed. p. 181*]

MACERATA. 181. The cathedral chapter should also participate in the election, as is the custom, in accordance with the decree of the Council of Trent. The extent to which this custom should be observed is derived from the general doctrine concerning custom in opposition to the decrees of that same Council. Indeed, according to all authorities, the principle remains certain that Pope Pius IV, in his Bull *Benedictus Deus*, which encompasses all the decrees of Trent, declared that ordinary customs would be invalid and void if they violated certain laws contained in those same decrees. However, whether such a provision also applies to that privileged form of custom, which is called "unmemorable," is not entirely agreed upon among the Doctors. Many defend the opinion that it does, and they give this reason, citing Benedict XIV, *Inst.* 60, n. 7: "It was sufficiently warned by Pius IV in that constitution, which begins *Benedictus Deus*. Indeed, it abrogates all that appears to be contrary to the Council of Trent; therefore, it encompasses all the decrees of that Council, and it renders ineffective any customs whatsoever that violate certain laws prescribed in those same decrees." Pitonius also held this view, for when he inquired whether a custom contrary to the unmemorable custom could be exempted from the law of Trent, which prescribes the participation of curators in the provision of benefices under ecclesiastical patronage, he stated it thus (*De Controv. Patr.*, Vol. 1, appendix 5, n. 4°): "Indeed, the fallacy of the argument lies in the very supposition of the unmemorable custom, which, however, in this case, neither exists nor is alleged. And distinguishing the times, either we wish to take the unmemorable custom from the time before, that is, before the disposition of the Council came into effect, and this is impossible; because at that time the new form of providing through participation had not yet been introduced into the Catholic world; consequently, I do not see how a custom or prescription excluding the form of participation could have arisen before that form was born... Or, we wish to take the unmemorable custom from the time after, that is, after the decree of the Council; and this is equally impossible; because from the beginning..."

[*Latin ed. p. 182*]

182 From the Most Holy Council, no longer is the term "immemorabilis" used, but only "centenaria." However, this distinction is equally valid; for a decree that annuls a law, whether it be the Council of Trent or the Constitution of Pope Pius IV, invalidates any contrary act, and therefore does not permit, at any time, the beginning of a custom, or even a centenarian prescription; as De Luca, Pignatelli, and the Rota commonly affirm.

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However, the contrary opinion, which, within just and defined limits, is the true one, is explained with great knowledge and learning by De Angelis, *Praelectiones Iuris Canonici*, book 7, title 4, number 12, who, after a preliminary observation, states: "There are other clauses which speak of a custom not to be introduced. But whatever these clauses may be, even if they are expressed in explicit terms, as is said, they do not, by themselves, prevent the introduction of a custom in the future; just as perpetuity, which is one of the qualities of a law, does not prevent the law from being abrogated by a later, contrary law. These clauses refer to the will of the legislator at the time the law was enacted. I said 'by themselves,' because if a pre-existing custom has been abolished in order to prevent corruption, or in order to give way to a custom that is beneficial, or to prevent abuses, either the same or others for which it was abolished; then, certainly, it cannot re-emerge; indeed, because of the lack of reasonableness, which is the first and essential prerogative of custom.

To this last point, the following question is answered: Can a custom arise contrary to the decrees of the disciplinary Council of Trent? The Council of Trent has the same authority as the other general councils; therefore, if a custom can be valid to infer a judgment against the canons of general councils, it can also perform the same function against the canons of the Council of Trent.

On the other hand, the Most Holy Pontiffs, in commanding the inviolable observance of these decrees, have not nullified the force of custom, which possesses the aforementioned qualities.

But that a custom can be valid even against the Decrees of the Council of Trent, only he would deny, who, for example, maintains all the provisions concerning parochial benefices, made everywhere in the world, without concurrence, or without it being completed, according to the form prescribed.

[*Latin ed. p. 183*]

MACERATA. In the year 185, it was stated that provisions or institutions prescribed by the Council of Trent (Session 24, chapter 18, concerning Reforms) are considered to be clandestine, and therefore lacking in jurisdiction; which cannot be seriously affirmed. And the Reverend Wernz writes: "Through numerous decisions, the Roman Rota has admitted, at least in a memorable manner, a custom contrary to the disciplinary decrees of the Council of Trent, and there are examples in which the Sacred Congregation of the Council itself has considered such customs to be legitimate, or at least tolerable. Nor does there exist any declaration, whether particular or general, of the Sacred Congregation, in which all customs contrary to the law of Trent have been absolutely and generally condemned. Indeed, Pius VII, in his letter to the Archbishop of Moguntia in 1803, and the Sacred Congregation, in its inquiry of March 11, 1868, expressly admitted a

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law that nullifies a chapter. Although, by a contrary custom, this marriage, which was widely promulgated by the Council of Trent against clandestine marriages, has in fact been abrogated in many regions." (Ius Decret, vol. 1, page 263). If we consider the opinions of these Doctors in our case, the answer does not seem doubtful; since all canonists, whether affirming or denying, adhere to their opinions; however, they have not approved of the custom in question. In truth, those Doctors who rightly and justly affirm that the Council of Trent itself can tolerate a contrary and unusual custom; if indeed, it has not abolished the force of custom, according to common law, anywhere, nevertheless admit that it is "very difficult" to have customs contrary to the decrees of the Council of Trent, because it is difficult to make them reasonable. But in this matter, it is easily demonstrated that the custom is not reasonable. The intention of the Council of Trent was to present to the Bishop suitable assessors and advisors in the administration of economic matters, who would diligently preserve and administer the assets of the Seminary, and who would work with greater zeal in other matters, so that the burden placed upon each individual would be more weighty and distinct. Furthermore, the assessor appointed by the Chapter must report to the Chapter on his methods of action.

[*Latin ed. p. 184*]

184 From the Sacred Congregation, it must be answered that he who acts as its representative, fulfills its role, and executes its mandate. Another, appointed by the clergy, ought to perform his duties with no less diligence, so that he may suitably fulfill the mandate entrusted to him by the clergy, to whom the prudent administration of the Seminary is of great importance; indeed, as the Council of Trent states, "this college is the Seminary of God's ministers." Therefore, the intention of the Council of Trent was to encourage and foster a noble rivalry among the four appointed individuals, two of whom are chosen by the Bishop, one by the Chapter, and one by the clergy. However, the most wise plan of the Council will be rendered futile if a disputed custom is ever proven. Furthermore, if the Sacred Congregation has, for particular reasons, permitted a deviation from the law of Trent, such as the election of a representative by the clergy, this edict was issued for a reasonable cause. Thus, when the Bishop of Holland explained to the Sacred Congregation of Propaganda Fide that the Seminaries of his diocese were not located in the city, but in other places, and that the two representatives who, according to the decree of the Council of Trent, should be chosen from the clergy of the city, must be chosen from elsewhere; namely, that one should be chosen by the Bishop, "and the other by the Deans, as representatives of the entire clergy," the question arose as to whether this method of proceeding could be approved and safely maintained. And the Sacred Congregation, to which this matter was entrusted, responded on June 21, 1879: "Considering the particular

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circumstances, Affirmative." Regarding the question of the other matter, the following should be noted. From chapters 41 and 42 of the Decree of Gregory IX, De elect., it is deduced that absent electors, due to a legitimate impediment, are considered as present through a constituted procurator and can vote. However, in these decrees, the matter pertains to religious observances to be observed by ecclesiastical electors, but these provisions apply only to the election of prelates, whether secular or regular; for the observance of all of them is not required in elections for minor benefices, nor, a fortiori, in those elective offices established for the administration of some temporal or spiritual matter.

[*Latin ed. p. 185*]

Macerate*. 185 Therefore, in the election of representatives, if none of the solemnities prescribed in the aforementioned celebrated passage, chapter - *Quia propter* - 42, concerning elections, are stipulated, and although these solemnities do not prohibit the appointment of a proxy, it is clear, *a fortiori*, that a vote can be given through a proxy to elect representatives. Furthermore, the rule of natural law, which has been confirmed by canon law on more than one occasion, is as follows: one can, through another, do what one can do oneself (Reg. 68 *Iur. in 6*); and he who acts through another is considered to be acting as if he were acting through himself (Reg. 72, *Iur. in 6*). However, natural law itself dictates the limitations mentioned in the aforementioned passage, chapter 42 - *Quia propter* - concerning the appointment of proxies; for if someone, not being hindered by any impediment, is duly summoned to an election and does not wish to participate, then that person is considered to have renounced his right; which is stated in chapter 19 concerning elections, and is explained by Reiffenstuel in the title concerning elections, 197. Therefore, adhering to this legitimate presumption, the aforementioned passage, chapter - *Quia propter* - prohibits the appointment of a proxy unless a legitimate impediment is proven; it cautions: "However, we strictly forbid anyone from appointing a proxy in the matter of an election, unless he is absent in that place from which he ought to be summoned, and is unable to come due to a just impediment; and if necessary, he shall give his word under oath concerning this; and then, if he wishes, he may entrust his representative to someone from the same College." In the Decretal of Innocent III, only the impediment of absence is considered; but the Commentators agree that this impediment was not assigned in a specific manner, but rather in a demonstrative manner, since, in general, an excuse is given - being hindered by a just impediment. Moreover, the Pope himself provides a means of proving whether someone is truly hindered by a just impediment; for other chapter members have the right to require the canon who claims to have an impediment to give his word under oath, if necessary. Finally, the last words, "he may entrust his representative to someone from the

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same College," are explained by Reiffenstuel, op. cit., n. 289, as follows: "A proxy can be appointed to elect not only someone from the College, but also an outsider, provided that, if he is from the College..."

[*Latin ed. p. 186*]

186 From the Most Holy Council, my colleagues are to be held to admit a member to the Chapter. Otherwise, if he is an outsider, for if the Chapter wishes, it can indeed accept this person, but it is not obligated to admit an outsider. This is inferred from chapter 46, section § "Si quis iusto," in 6, and the Glossa explains it further. The reason is that, although in the cited chapter, section § it is said that a Procurator cannot be constituted an outsider if he is one of the College itself, and thus against its will, nevertheless that Constitution emanates in favor of the Chapter. Therefore, if the Chapter wishes to yield to its favor and admit an outsider as a procurator for the purpose of electing, he is rightly admitted." Finally, canonists note that, although the election of representatives, which can be carried out outside of the Synod, is nevertheless more appropriately done within the Synod, in which the entire clergy is assembled. Corradus, *Practica Beneficiorum*, book 4, chapter 8, number 28; Monacelli, *Pandectae*, Part II, title 12, form 1; Ferraris, *Tractatus de Seminariis*, number 17, and elsewhere. - Nevertheless, since diocesan Synods are rarely held today, everywhere a certain custom prevails, which determines whether the entire clergy, or rather a part of the clergy, and how, should elect the representative. - Therefore, the current controversy, whether a representative can indeed be elected by the clergy through a procurator, seems to be understood in such a way that those of the clergy can claim the right to elect through a procurator, who already possessed the peaceful right to elect the same representative. With these considerations, the question was raised as to how the petitions should be handled. RESOLUTION. The Sacred Congregation of the Council, after discussion on August 1, 1901, decided to respond: To I, negatively. To II, not proposed. FROM THE SACRED PENITENTIARY APOTOLIC, DOUBTS regarding special indulgences. I. In the Constitution *Temporis*, number 3, concerning the broad faculty of absolution granted to the elected confessor, the exception "the crime of absolution of a complicit, admitted three or more times" is made. Therefore, what follows -

[*Latin ed. p. 187*]

FROM THE HOLY PENITENTIARY, 187. A QUESTION IS POSED: Whether the exception in question should be understood as pertaining to the absolution from sin, which has been granted three or more times as the last confession of the penitent to the priest, or rather, as pertaining to the absolution from sin which has been granted three or more times throughout the entire preceding life, up to the moment when the priest confesses the penitent to effect the Jubilee, so that, for example, someone

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who previously received this kind of absolution twice and was therefore obliged to return to the Holy Penitentiary, cannot now, by virtue of the Jubilee, receive absolution even if he only relapses into said sin once?

II. And, with regard to the first part, the question is posed: Can the response of the Holy Penitentiary (January 25, 1901), which permits confessants to make use of the Jubilee privileges more than once, even if the penitent has not yet completed all the works prescribed to gain the Jubilee indulgence, be applied to this case? Or, on the contrary, is this faculty granted only for a single instance?

III. The free choice of confessor, which has the effect of the Jubilee, that is to say, if there is the intention of gaining the Jubilee, is granted to religious and nuns. Can this be exercised only once by them, or can it be exercised multiple times, until they have completed the works required for the Jubilee?

IV. Titus, while completing the works to effect the Jubilee, had no reason to resort to the special faculties of confessors. However, after having obtained the Jubilee indulgence, he for the first time falls into a reserved case. Can a confessor approved by him, whom he has chosen, absolve him by virtue of the Jubilee faculties? Or, on the contrary, will Titus not receive any benefit from the Jubilee privileges?

V. With regard to the prescribed visitations of churches, if someone visits several places on the same day (either civil or ecclesiastical) where the Jubilee is promulgated, can he complete the visitations for that day partially, for example, two in one place, and partially, for example, two in another, provided that he visits two churches in each place designated by the Ordinary? Or, on the contrary, must the four visitations for that day be performed in the same place?

The Holy Penitentiary, having carefully considered the questions posed, responds:

Regarding I: Negatively to the first part, affirmatively to the second part.

Regarding II: As provided in the preceding.

Regarding III: Negatively to the first part, affirmatively to the second part.

Regarding IV: Having considered the Constitution *Temporisquidem*, negatively to the first part, affirmatively to the second part.

Regarding V: Affirmatively to the first part, negatively to the second part.

Given in Rome, from the Holy Penitentiary, on June 5, 1901.

A. CARCANI,

R. S. CELLI,

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P. Reg.
Substitutes of the Holy Penitentiary.

[*Latin ed. p. 188*]

188 FROM THE SACRED CONGREGATION - AUGSBURG. Concerning the beatification and canonization of the Venerable Servant of God, Claude de la Colombière, priest of the Society of Jesus. REGARDING THE DOUBT whether he possessed the theological virtues of faith, hope, and charity, in God and towards his neighbor, as well as the cardinal virtues of prudence, justice, temperance, and fortitude, in a heroic degree, in the case and to the extent that is being considered. Not long ago, the Most Sacred Heart of Jesus, in a public and solemn manner, could not separate the memory of the Venerable Claude de la Colombière from the memory of Blessed Margaret Mary Alacoque, especially since both seem to be illuminated by those words of Ezekiel: "And I will give you a new heart, and put a new spirit within you: and I will take away the stony heart out of your flesh, and will give you a heart of flesh." (EZEKIEL, XXXVI, 26-27). And just as the daughter has attained the honors that are the glory of her father, as it is written in Ecclesiasticus, "For the glory of a man is from the honour of his father, and a father without honour is the disgrace of the son." (ECCL. III, 13), so too it seemed fitting that the blessed rite should be presented, not merely as a witness to sanctity, but so that it might also appear to be a participant, excited to a singular usefulness for the Church and an example of absolute virtue. The Venerable Claude was born on February 4th, in the year 1641, in the village of Saint-Symphorien de Ozon, of parents distinguished by their lineage and piety. After a childhood marked by the utmost innocence, when he had barely reached the age of ten, he was sent to Lodi, to the school of the Fathers of the Society of Jesus, where, under the guidance of teachers, he successfully completed his course of studies. Burning with an ever-increasing desire for divine things, and after obtaining, not without constant solicitude and effort, permission from his parents, he went to Avignon, where, among the members of the Society of Jesus, to whom the history of their own region must declare how much the Christian republic owes in terms of sanctity and evangelical wisdom, both sublime and humble, he began his novitiate in religious life. After this, he was assigned the duties of teaching rhetoric, and then theology, in the College of the Most Holy Trinity in Lyon. He proceeded with such devotion that he diligently observed all the rules and regulations of the Institute, under pain of grave fault and punishment; to which vows he remained most faithful. Having been ordained a priest, he diligently applied himself to that most important ministry, in which one task is to preach, and the other is "the art of arts, the governance of souls." He performed the former with such simplicity and effectiveness, thanks to the abundance of his eloquence,

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that...

[*Latin ed. p. 189*]

From the Sacred Congregations, it is known that many who had strayed towards a better path, and those who were dissenting, have been recalled to the bosom of the Church. It is greatly to be noted that Margaret Mary was present in the office of restraining consciences, and that she was there with a divine inspiration. She herself recognized her as a minister divinely appointed to her. Indeed, the Very Reverend Claudius devoted much effort to improving the worship of the Most Sacred Heart of Jesus, a devotion to which many were initially opposed. The Religious, his sister, was elected superior of her house, and two years later, she was sent to England to preach as a missionary among the most distinguished in York, where she was seen to be very pious and devoted. However, her life was not without obstacles, for she was slandered by heretics, etc., and was condemned to imprisonment and exile. Having endured these trials with an unwavering spirit, Parodium returned, still ailing; yet she continued her ministry with no less zeal, never ceasing her burning charity. Finally, she was instructed by letter from Margaret Mary to go to Vienna, for Margaret Mary knew, divinely, that Parodium was to die there. A few days later, after many labors, many storms, and many merits, she exchanged her mortal life for the most blessed, on March 15th, in the year 1632. Her death did not diminish, but rather increased, the praise and the opinion of her outstanding sanctity, so that it can truly be said that the name of the Venerable Claudius had spread far and wide, as far as the lands where the devotion to the Most Sacred Heart of Jesus had spread. Many showed her singular piety, among whom was the blessed Margaret Mary herself, who was accustomed to celebrate the memory of this saintly woman each year, as if it were a feast day. This, along with many other miracles, could not fail to arouse the common interest to the point that the cause of Augustodunensis should be presented to the Sacred Congregations. Therefore, after thorough investigations, after the examination of documents and other matters according to the law, and after the proper completion of the four stages, it was determined; the first, in the preparatory youth stage, on the 13th of the Kalends of January, in the year 1898, with the advocate, the Reverend Cardinal Miecislaus Ledöchowski, Relator of the cause, Prefect of the Sacred Congregation for propagating the Christian faith; the second, in two preparatory assemblies held at the Vatican, on the 9th of the Kalends of August in the year 1900; and then, the matter was resumed on the 7th of the Kalends of April of the following year; and finally, the fourth, in the general assembly held there, before His Holiness Pope Leo XIII, on the 19th of July. In this assembly, the Reverend Cardinal Miecislaus Ledöchowski raised the question: "Whether the virtues of Faith, Hope, and Charity in God and in one's neighbor, as well as the Cardinal virtues of Prudence, Justice, Temperance, and Forti-

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tude, and those virtues connected with them, are heroic in degree in the case and to the effect of which we are speaking?" All those present, both the Reverend Cardinals and the Consultors, unanimously agreed that they were.

[*Latin ed. p. 190*]

190 From the Sacred Congregation of Rites, the Most Blessed Father expressed his sentiments with the following words: "The cause undertaken today is of such a nature that it fills us, we frankly confess, with a certain joy, quite unlike any other. It evokes sweet and pleasant memories of the past, when, in our youth, we found it so pleasing to read the writings of this Venerable Servant of God; and we were greatly delighted by that holy devotion which existed between him and Blessed Margaret of Alacoque, both in person and through letters. Furthermore, certain circumstances of the present time increase our joy, especially since, as you well know, We have desired to dedicate the entire human race to the most merciful Heart of Jesus Christ at the beginning of this century. Therefore, what could be more fitting, what could be more pleasing to Us, than to, on occasion, raise to the honors of the blessed in Heaven that man who has been a distinguished patron and advocate of this most sacred and salutary devotion to Jesus? However, the Supreme Pontiff delayed issuing the definitive judgment, so that the divine signification of the will might be made known through prayers offered to God. Today, on the Sunday after Pentecost, having celebrated the Holy Mass in private, and then entering the noble Vatican palace, he summoned the Most Reverend Cardinals Dominic Ferrata, Prefect of the Sacred Congregation, and Miecislaus Ledóchowski, Relator of the cause, along with the Reverend Father John Baptist Lugari, Promoter of the Holy Faith, and the undersigned secretaries, and solemnly declared: "It is established that the theological virtues of Faith, Hope, and Charity in God and in one's neighbor, as well as the cardinal virtues of Prudence, Justice, Temperance, and Fortitude, and those things connected with them, were present in the Venerable Claudius de la Colombière in a heroic degree, in the case and with respect to the effect in question, so that the process may proceed to the discussion of the four miracles." This decree was ordered to be inscribed in the records of the Sacred Congregation of Rites on the third of the ides of August in the year 1901.

DOMINIC CARDINAL FERRATA, Prefect of the Sacred Congregation.

L. & S. f.

DIOMEDES PANICI, Archbishop of Laodicea, Secretary of the Sacred Congregation.

Regarding the beatification and canonization of the Venerable Servant of God, Sister Mary of the Celestial Rosary, foundress of the monastery named after the Most Holy Savior in the city of Fodiana. It is a most excellent benefit of God and the beginning and foundation of a Christian institu-

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tion to have a homeland illuminated by the Catholic religion and endowed with parents of outstanding piety. This has happened with the Servant of God, Sister Mary of the Celestial Rosary, who was born in Naples on October 31, 1696...

[*Latin ed. p. 191*]

From the Sacred Congregation of Rites, number 19: Joseph, a Neapolitan lawyer, and his wife, Paula Battista of Caldari, were blessed with a daughter. From the baptismal certificate, it is confirmed that the child was given the names Julia, Marcella, and Saint. The girl, raised with great piety, along with her two sisters and four brothers, was a model of virtue. Her devotion was especially fostered through spiritual reading, particularly the lives of the Saints, and by the Christian example of her family. Although she sometimes indulged in pleasures and, while being attended by her servants, relaxed her mind, she repented of these faults with heartfelt sorrow, shedding tears and receiving the Sacrament of Penance, thereby becoming even better than before. At the age of eleven, she attended Mass for the first time and was frequently nourished by the most sweet Eucharist, under the guidance of the Reverend Bartholomew Cacace, a pious and learned man, from whom she made considerable progress. Thus, it pleased God that, after being deprived of heavenly light, spiritual joy, and peace, of which she had previously enjoyed, she experienced darkness, distress, and tribulation. However, while she persevered more in prayer, she soon emerged victorious from this trial, regaining her former sweetness and, with a burning desire, dedicated herself entirely to God in a monastery. Unexpectedly, while she was visiting her mother and elder sister at the Maurilian monastery, to which she had been drawn, she offered herself as a novice, and, with the consent of her parents and through fervent prayers, this was granted. Six months after entering, she received the sacred Carmelite habit, and, after completing her novitiate and solemnly pronouncing her religious vows, she was elected Mistress of the Novices, a position which she fulfilled admirably, always striving to restore and maintain the regular discipline. However, provoked by the enemy of all good, violent attacks were made against the Maurilian monastery, so that the Bishop was compelled, through testimonies, to order its closure. The Servant of God, along with two of her sisters, was received into the Monastery of the Salesian Sisters at Scala, founded by Father Falco, where, at the age of seventeen and twenty years, she was appointed Prefect of the novices, and, after imploring the help of the Lord through forty days of prayer, fasting, and the Holy Sacrifice, she composed new rules, which, according to the judgment of theologians, were filled with heavenly wisdom, and which were solemnly accepted by all the nuns on the feast of Pentecost in the year 1731. However, in another trial, she was forced to leave the monastery of Scala, to which she had devoted so

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much labor, along with two of her sisters, on the third day of Pentecost in the year 1733. Following the advice of her father, she went to Nuceria of the Pagans, where she received a house for nuns, which had been given to the orphans by the proud citizens and the Bishop, and she made it a place of virtue and a home. After six years, at the urging of Joseph Tortora, a canon of the city of Fodiana, and guided by the voice of her conscience,

[*Latin ed. p. 192*]

192. EX SCRITTO, ad hanc civitatem se contulit, in quomona sterio SSmi Salvatoris adcommodum puellarum ex familiis genere etcensu conspicuis, die 9 Martii 1738, prius in precario domo, dein in sede fixa cum vigintiquinque puellis fundavit, constituit et per septendecim circa annos suaví fortitudine rexit. In hoc monasterio, Soror Maria Coelestis, iam meritis dives, quum sibi appropinquantem mortem persentiat, sacramentis Ecclesiae roborari voluit et in extremo Passionem Domini ex Evangelio S. Ioannis sibi legi postulavit. Adverba Christi incrucimo rientis: "Consummatum est," Famula Dei potius divino amore quam lethali morbo consumpta, emit spiritum atque uti columba terris laqueis soluta ad caelos ad volavit, die 14 Septembris anno 1755. Fama eius sanctitatis in vita et post obitum etiam prodigiis et sanctorum virorum praeconiis, ut fertur, illustrata magis in dies increvit et ad haec usque tempora constanter celebrata permansit. Hinc Processus Ordinarius Informativus in Ecclesiastica Curia Fodianasuper ea adornatus fuit et ad Sacrorum Rituum Congregationem delatus. Instante vero Rmo Dno Petro Crostarosa, Patriarchalis Basilicae Liberianae Canonico et huiusce Causae Postulatore, attentisque litteris postulatoriis quorumdam Emorum S. R. E. Cardinalium, plurium sacrorum Antistitum ac praesertim Rmi Episcopi Fodianici clero et populo, monialium SSmi Salvatoris, civitatis Fodianae, et Rmi Superioris Generalis et Rectoris Maioris Congregationis SSmi Redemptoris, qui praeclara ac domestica testimonia sanctitate Servae Dei, cuius hortati! et auspiciis S. Alphonsus suum Institutum fundavit, Emisset Rmus Dnus Card. Lucidus M. Parocchi, Episc. Portuensis et S. Rufinae, atque eiusdem Causae Relator in Ordinario Coetu Sacrorum Rituum Congregationis, a d subsignata die Vaticanum habito, sequens dubium discutiendum rite proposuit: "An sit signanda Commissio Introductionis Causae in casu et ad effectum de quo agitur?" Atque Emi et Rmi Patres Sacristuendis Ritibus praepositi, post relationem ipsius Emi Ponentis, audito etiam voce et scripto R. P. D. Ioanne Baptista Lugari, Sanctae Fidei Promotore, omnibusque accurate perpensis, rescribendum censuerunt: "Affirmative, seti signandam esse Commissionem, si Sanctissimo placuerit." Die 30 Iulii 1901. Quibus omnibus Sanctissimo Domino Nostro Leoni Papae XIII per infrascriptum Cardinalem Sacrae Rituum Congregationationis Praefectum relatis, Sanctitas Suasententiam Sacrae eiusdem Congregationis ratam habens, propria manu signare dignata est Commissionem Introductionis

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Causae Ven. Servae Dei Sororis Mariae Caelestis Crostarosa, Fundatricis monasterii SSmi Salvatoris in civitate Fodiana, die 11 Augusti eodem anno. D. CARD. FERRATA, S. R. C. Praef. L. * S. f DIOMEDES PANICI, Archiep. Laodicen., Secret.

[*Latin ed. p. 193*]

193 APOSTOLIC LETTERS from the Most Holy Pope Leo XIII concerning the consecration of the new temple of the Blessed Virgin Mary of the Most Holy Rosary in the town of Lourdes, in France, in the month of October, 1901. The immortal benefits granted to the human race by Jesus Christ, the Redeemer, are deeply imprinted in our hearts, and in the Church, they are not only eternally remembered, but also daily contemplated with a sweet and loving devotion towards the most holy Virgin. — Indeed, when we reflect upon the long span of our pontificate, and recall our actions, we are filled with a feeling of gratitude and joy, aware of those things which, with the help of divine grace and the counsel of good men, we have undertaken for the greater honor of the Virgin Mary, or which we have encouraged others to undertake. It is a source of particular joy to us that the blessed Rosary, through our exhortations and care, has been more widely known, more deeply ingrained in the practice of the Christian people: that the sodalities of the Rosary have multiplied in number and flourished in piety; that many learned works have been written and widely disseminated; and finally, that the month of October, which we have decreed to be entirely dedicated to the Holy Rosary, is everywhere celebrated with great and unusual devotion. This year, however, as we enter the twentieth year of our pontificate, we considered it our duty not to let pass the opportunity offered to us by our venerable brother, the Bishop of Tarbes, the clergy, and the people of the town of Lourdes, who have spontaneously offered to consecrate fifteen altars in the august temple, dedicated to the Blessed Virgin Mary of the Most Holy Rosary, each altar to be dedicated to one of the mysteries of the Rosary. And so, we avail ourselves of this opportunity, especially because it concerns those regions of France which have been so abundantly blessed by the grace of the most holy Virgin, regions which were once ennobled by the presence of the Lawgiver, the Lord, and in which the first beginnings of the Holy Rosary were found. It is no secret to any Christian that the Lord, having gone to Spain, bravely opposed the heresy of the Albigenses, which at that time spread like a pernicious plague throughout almost all of Occitania, around the Pyrenees; and that, by explaining and preaching the admirable and holy mysteries of divine grace, He kindled the light of truth in those places that were surrounded by the darkness of error.

[*Latin ed. p. 194*]

194 APOSTOLIC LETTERS, indeed, perfectly suit each individual, ac-

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complishing the order of their mysteries, which we admire in the Rosary; so that, as a Christian, the soul, through frequent contemplation or recollection, may draw forth the inherent power, may be combined with it; may be gradually, without sensation, led to the composition of a life of moderate, active tranquility, to enduring adversities with an even temper and fortitude, to fostering hope for the greater homeland of the immortal, to Faith itself, without which no healing or relief of the greater evils can be sought, nor can help and increase be given to those dangers which threaten. These things, Dominic, with God's help, first conceived, and interwove with the mysteries of the Redemption in a certain order; the Rosaries are meritorious because, whenever we salute Mary with the angelic greeting, full of grace, so many times we offer to her, as it were, roses, bearing the most delightful fragrance; so many times does the dignity of Mary come to mind, her blessed fruit of the womb, granted by God; so many times do we remember the other singular merits, by which She, with the Son Jesus, became a participant in the Redemption of mankind. Oh, how sweet is that angelic salutation which befalls the blessed Virgin, who, when Gabriel greeted her, felt herself conceiving the Word of God by the Holy Spirit! But even in our days, that old heresy of the Albigenses, though changed in name, and with other authors attacking in different ways, miraculously revives in new forms of impious errors and commentaries, and creeps through the regions, infecting and contaminating the Christian people, whom it pitiably draws towards ruin and destruction. We see and vehemently deplore the most savage storm that is presently raging, especially in Gallus, against religious families, which, through works of piety and beneficence, have deservedly earned the esteem of the Church and of the people. And although we grieve over these evils, and conceive a deep sorrow in our hearts for the afflictions of the Church, it has happily happened that a sign of salvation has been revealed to us. For we have learned of a good omen, which strengthens the august Queen of Heaven, namely, that in the sacred edifices of Lourdes, as we have said above, altars are to be dedicated next October, as many as there are mysteries of the most holy Rosary. And certainly, nothing can be more fitting for pleasing Mary and obtaining her most wholesome grace than to contemplate the mysteries of our Redemption, in which she was not only not present, but...

[*Latin ed. p. 195*]

APOSTOLIC LETTER 195 but that we may possess the highest honors, and that we may explain the entire series of events before your eyes for remembrance of the proposed matter. Therefore, we are not without doubt that the most holy Virgin, and most pious Mother of ours, desires to be present with favorable wishes and prayers, which countless crowds of Christians will pour forth there, that they may mingle and associate with her in their supplications, so that, as it were, by a certain bond, they may

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accomplish [God's will], and be enriched in the mercy of God. Thus, may the most powerful Virgin Mother, who once cooperated in charity so that the faithful might be born in the Church (1), also now be our salvation today and always: may she break and cut off the multiple necks of the impious hydra spreading widely throughout Europe, may she restore peace and tranquility to anxious minds; and may she hasten the time when, privately and publicly, all may return to Jesus Christ, who can eternally save those who come to God through Him (2).

Meanwhile, to the Venerable Brother Bishop of Tarbes, and to our beloved sons, the clergy and people of Lourdes, expressing our most benevolent regard to all and each of them, for all that they have recently signified to us, we have decreed to issue these Apostolic Letters, and we command that an authentic copy thereof be transmitted to all our Venerable Brothers in the pastoral office, Patriarchs, Archbishops, Bishops, and other sacred dignitaries throughout the Catholic world, that they too may be filled with joy and holy delight. Therefore, that what is good, blessed, and prosperous may be, that the glory of God may be amplified, and that the entire Catholic Church may be blessed, by our Apostolic authority through these very letters, we grant that our beloved son, Benedict Maria S.R.E. Cardinal Lángenieux, may lawfully dedicate, in our name and with our authority, a new temple erected in the town of Lourdes, and consecrated to God in honor of the most Blessed Virgin, of the Holy Rosary; that the same beloved son of ours may freely use the Pallium in the solemn celebration, as if he were present in his own Archdiocese; and that, after the sacred celebration, he may, in our authority and name, bestow the usual Indulgences upon the assembled people. These things we grant, notwithstanding anything to the contrary.

Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the 8th of September, 1901, in the nineteenth year of Our Pontificate.

A. CARD. MACCHI.

(1) S. Aug. De sancta Virginitate. Cap. VI.

(2) Hebr. VII, 25.

[*Latin ed. p. 196*]

196 APOSTOLIC LETTERS. The Apostolic Letters of His Holiness Pope Leo XIII, by which the chapter of the Collegiate Church of St. Jerome of Illyria is suppressed, and the Hieronymian College is established in the city. The Slavic people, most noble in faith and piety, whom Our Predecessors have loved with great charity throughout all ages, and whom We have followed from the beginning of Our Pontificate. Although there are already many clear proofs of what We have prudently accomplished thus far for the security and dignity of this people, yet, since the opportunity presents itself

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most suitably, We desire to add a new testimony of Our benevolence, which may serve as an indication for future times, and as a memorial. For the study of the Christian faith and charity, as in other nations and in all times, so too in the Slavic lands, it has been fitting that some institution be founded in this Our city, endowed with suitable revenues, namely, for the reception of the people, who, visiting the relics of the Apostles, would undertake the Roman journey; and such institutions have always served not only to strengthen the authority and counsel of the Supreme Pontiffs, but also to be promoted by generous and real alms. And so it happened with the Slavs. For, at the request of Jerome of Potomnja, from the diocese of Ragusa, and of other pious men from Dalmatia and Slavonia, Our Predecessor, Pope Nicholas V, by a Bull given on the 21st of April, in the year 1503, founded a hospice in the city, called the Hospice of St. Jerome of the Slavs, and also of the Illyrians, according to the ancient geographical designation; so that faithful and poor people, coming from Dalmatia, Istria, Croatia, Slavonia, Bosnia, and Herzegovina, might be received and provided for. The hospice, through the pious alms of Catholics, which it is worth remembering that Queen Catherine of Bosnia testified to, grew so quickly that, not only for the reception of pilgrims, but also for the care of the sick, it became necessary to expand its buildings; and so that this double work of charity might be properly and duly carried out, the buildings themselves were divided into two parts, one part being devoted to the hospice, and the other to the hospital. When Pope Sixtus V was engaged in the supreme office of the Apostles, he, out of piety for St. Jerome...

[*Latin ed. p. 197*]

LETTERS APOSTOLIC 197, concerning the Croatian nation, from which it derived its origin, regarding the ancient Hieronymian hospice, which formerly bore that title, but which, having become smaller, was indeed narrow and crumbling with age, almost to its foundations, was restored, adorned with new buildings, and furnished with all necessary provisions; then, it was also elevated to the status of a collegiate church, with a chapter consisting of an archpriest, canons, and four beneficed clergy. And thus, it flourished until quite recent times. Now, however, since the customs of these times have changed considerably, due to increased commerce among various nations, more convenient routes, and greater security for travelers, it scarcely seems useful to maintain such hospices as were required by the narrowness of past ages. On the contrary, the present times demand that such institutions be multiplied, so that they may serve to defend the faith and to withstand the efforts of adversaries, and, for the sake of the particular needs of certain regions. To this end, it is strongly desired that young men, already initiated into the sacred orders or to be initiated at an opportune time, be educated in Rome, under the protection and as it were in the sight of the Supreme Pontiffs, in the virtues befitting the priest-

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hood and in sacred disciplines, so that, after returning to their homeland, they may draw from this very source of apostolic doctrine and impart it to their respective people; it seemed best that the ancient hospice for pilgrims be transformed into a college for ecclesiastical young men. Thus, it has been done with the Roman hospices and with those of other nations; and thus, it has been decreed that the Illyrian Hieronymian hospice should also be managed. Indeed, the administrators of the hospice, even as early as the 16th century, felt that it would be beneficial if the Hieronymian Slavic house did not serve solely as a place to receive pilgrims, but also to receive priests, to provide them with a solid education in sacred disciplines, and to instill in them a deep piety. Therefore, in the year 1598, they obtained from Clement VIII, our predecessor, the faculty to transform the hospice into an ecclesiastical college. However, various difficulties prevented this from being carried out. Two centuries later, the matter was again brought up; but in such a way that, while the hospice for pilgrims, which had been a building dedicated to hospitality, was to be maintained, it was to be increasingly destined for clerics, and those who were suitable were to be educated there.

[*Latin ed. p. 198*]

198 APOSTOLIC LETTERS: After Pope Pius V had, as is known, disapproved, Apostolic Letters were issued on February 27, 1790, establishing a Croatian college at Saint Jerome. However, although the efforts of distinguished men favored these undertakings, after scarcely five years, due to public disturbances hindering security in the city, and with the canons and students departing for Rome, the college ceased to exist.

After the restoration of peace, it was again deliberated whether to restore the college, and this indeed occurred in 1854, when a few young men were engaged in philosophical and theological studies, and were accommodated in the Jeromean buildings, and this group, named after the Saints Cyril and Methodius, patrons of the Slavs, was established. However, this institution did not last for more than seven years: it was abolished in 1871. Moreover, it did not have a happier outcome when, in 1884, the college was again founded, specifically for priests, to cultivate piety and knowledge. The difficulty in achieving this goal was increased by the fucking fact that in the Slavic buildings at Saint Jerome, another group had long since been established, namely, the canons, who, as mentioned above, had been established by Pope Sixtus V through the Constitution "Sapientiam Sanctorum," issued on August 1, 1589. For, after the death of Sixtus, the institution at Saint Jerome had very few revenues, which were scarcely sufficient to maintain life; therefore, it was repeatedly necessary to seek funds through Apostolic indulgences, which were to be used for the sustenance of the canons. Hence, the affairs of the hospice changed, and the power to maintain a college for young men or priests was removed. Therefore, so that the college, which

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we have now desired to be in Rome, may finally exist and be more stable than in previous times, and so that we may establish a firm foundation, after having consulted with the bishops of Croatia, among whom was, for the greater glory of the Most Powerful God, for the increase of the Catholic religion, and for the honor and benefit of our most beloved nation, derogating from the authority of the Apostolic Constitutions of our predecessors Nicholas V and Sixtus V: the Hospice of Saint Jerome, and also the chapter of the collegiate church of the same Saint Jerome, which until now has been called Illyrian, are hereby, by these our letters, sup-

[*Latin ed. p. 199*]

APOSTOLIC LETTERS 199: We begin and declare with the utmost solemnity. We desire that those Canons, to whom a special indult has not yet been granted, and who still attend to sacred duties in the temple, that whatever they were accustomed to receive, under the title of a benefice, may, in the future, continue to receive, until other provisions are made for them. In place of the aforementioned Hospital and Chapter, we found and established, under Our authority and protection, the College of St. Jerome for the Croatian people; and we grant and assign to this College, which We have thus founded and established, all its goods and revenues, names, and endowments, belonging in any way to the aforementioned Hospital and Chapter, forever. However, let it be understood that the obligations of the Chapter, both with regard to the recitation of the Divine Office, and with regard to the observance of the days established by the founders for the performance of sacred duties, and indeed the entire divine worship in the Church of St. Jerome, shall be transferred to the aforementioned College; and We charge the moderators thereof to see to it that all that was formerly done in the Chapter is now done in the College, except for those things which, for the sake of equity, may reasonably be altered, with Our consent and their prudence. In order that this important matter may be properly and justly conducted, We entrust to the College the following regulations, which are subscribed below, for its governance. Furthermore, We permit the Cardinal, Patron of the College, to establish whatever pertains to the duties of piety, the conduct of studies, or domestic discipline and order.

REGULATIONS OF THE COLLEGE OF ST. JEROME FOR THE CROATIAN PEOPLE IN THE CITY.

I. The College of St. Jerome shall be open only to clerical students of Croatian origin and language, who have completed their studies in a diocesan seminary or in a theological college, and who are deemed suitable for further studies, especially in Canon Law, and also in other sacred disciplines, as each Bishop shall designate. Furthermore, after a certain time, We wish that it may be open to young men who intend to enter the priesthood, so

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that they may devote themselves to sacred studies.

[*Latin ed. p. 200*]

200. APOSTOLIC LETTERS. To the College: The Most Holy Roman Pontiff will designate a Cardinal Protector, who will be its patron. III. Three men, chosen for their prudence and integrity of life, shall govern the College. One of these, holding the title of Rector, shall possess the supreme authority within the College; another, in the place of the Rector, shall attend to the matters entrusted to him, and shall administer the economic affairs; the third shall fulfill the office of a teacher, and to him shall be entrusted the care of the church of St. Jerome, and the ordering of all the sacred ceremonies therein. IV. The right to choose the Rector belongs to the Supreme Pontiff, without regard for origin or homeland. However, the other Rector and the teacher shall be appointed by the Cardinal Protector, after hearing the Rector. V. In addition to the dwelling and all things necessary for life, the Rector shall receive from the College three thousand Italian livres annually; the vice-rector and teacher, one thousand eight hundred livres. VI. They shall enjoy the title of Canon of the Collegiate Church of St. Jerome; provided, however, that they are not deprived of this title if they are removed from office, or if they are deficient in their duties, or for other serious reasons. VII. The administration of the entire patrimony shall be entrusted to a Council designated for that purpose. The Council shall consist of five men: the Rector of the College, who shall be its president, and two other moderators, chosen from among the Cardinals designated as Patrons. VIII. The right to cooptate priests into the College belongs to the Cardinal Protector. However, no one shall be cooptated unless he possesses outstanding talent, integrity of morals, and has been proposed and recommended by the Ordinary Bishop. Furthermore, the Cardinal Protector has the power to dismiss any student, if, after hearing the moderators, he learns that he is impatient with discipline or forgetful of the laws. IX. The following have the right to send priests to the College: The Archbishop of Agram; the Bishops of Syrmia, Senj, and Križevci; the united Greek rites. Also, the Archbishop of Spalato; the Bishops of Ragusa, Spalato, Sebenico, Pharos, and Catharos. Also, the Bishops of Veglia, Trieste, and Parenzo. Also, the Archbishop of Vrhbosna; the Bishops of Mandelen, Trebinje, and Banja Luka. Finally, the Archbishop of Bar.

[*Latin ed. p. 201*]

APOSTOLIC LETTERS 201 X. The entire number of students admitted to the College shall be determined by the resources of the institution. In admitting students, due consideration shall be given to the size and needs of the individual dioceses, so that none may appear to have a greater claim than others. XI. Students shall remain in the College for three years, or at most two years, and shall devote themselves to those disciplines which,

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according to the judgment of the Ordinaries, will be most useful to their respective dioceses. To the Bishops of Croatia, in whose dioceses the Slavic language is used in the sacred liturgy, the full right remains to instruct the priests whom they send from Rome, that they may diligently learn the Slavic language and the Glagolitic script. — These things concerning the Croatian College of Saint Jerome, established in the City of Rome, We decree and ordain. It remains that the priests who are admitted to this College should esteem the grace of God and strive to fulfill our hopes, and the hopes of their Bishops, through study and the acquisition of virtues and knowledge. We will that these present letters be firm, valid, and efficacious, and that they produce and obtain their full and complete effects, and that they be fully and completely supported in all things and through all things, and that they should be judged and determined by any ordinary or delegated judges in the matters mentioned herein, and that any violation of these things, by anyone, knowingly or unknowingly, shall be null and void. Notwithstanding Our own and the Apostolic Chancery's regulations concerning the law of inquiry, and other Apostolic Constitutions and ordinances, and all other contrary things whatsoever. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the 1st day of August, in the twenty-fourth year of Our Pontificate. A. CARD. MACCHI.

[*Latin ed. p. 202*]

202 FROM THE HOLY CONGREGATION OF THE COUNCIL IN PARIS. CONCERNING THE NULLITY OF MARRIAGE. Dated June 22, 1901. Session 24, Chapter 1, Regarding Impediments to Marriage. The family of R. resided in the town commonly called Vésinet, in the diocese of Versailles, near Paris. The son, Vedastus, was accustomed to receive his mother and Palmyra, a young woman, into his home, whom Vedastus had engaged to sing in the parish church of the town. From this circumstance, a friendship arose between the families, and soon Vedastus, having become enamored of Palmyra, began to consider the possibility of marrying her. However, this desire of the young man was opposed by Vedastus's mother, who strongly disliked the idea of her son marrying a girl belonging to the Protestant sect. Palmyra, although she had, as several witnesses testify, received the sacrament of baptism according to the Catholic rite, was born in Switzerland, of a Lutheran mother and a father who adhered to no religion, and was raised in the Lutheran faith, frequently attending the temple of the Protestants. Vedastus, in order to obtain his mother's consent, obtained a promise from Palmyra that she would, before the marriage was celebrated, return from the Protestant sect to the Catholic Church. Indeed, if what is now being reported is true, the young man stipulated a formal abjuration of heresy in their agreement; and the woman, who most desired this marriage, promised to fulfill this condition. Meanwhile, Vedastus, in order to manage the affairs of his family, left his homeland and departed for Utica in Tunisia,

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in Africa, and while residing there, he sent not one, but several letters to Palmyra, urging her to, as soon as possible, complete the following:

[*Latin ed. p. 203*]

PARIS. 205, ut fidem catholicam perficeret. Et vere, puella, in rudimentis doctrinae catholicae a quaedam sanctimoniali edocta, sacro missae sacrificio saepius interfuit, et in festivitate Natalis Domini anno 1889 ad Sacram Synaxim a parocho publice admissa fuit, quamquam tamen formalem ab haeresi abiurationem emitteret. Immo, parochus loci haud necessariam putavit formalem abiurationem; siquidem ad matrem viri ille scribebat: "Ce n'est pas la peine, je pense que la communion équivaut à l'abjuration." Animo laeto haec omnia excepit Vedastus et litteras gratulatorias puellae misit; quocirca post aliquot menses in Galliam rediit et, obtento prius beneplacito propriae matris, die 27 augusti 1890 in parochiali ecclesia oppidi, magna cum laetitia utriusque familiae, Palmyram in legitimam uxorem duxit. Absolutis nuptiis, neo-coniugi illico coniugalem vitam instaurarunt et Uticam Tunetis petierunt, ubi per decem menses commorati sunt. In Galliam reversi, Parisiis per quinque annos una simul maritalem vitam duxerunt, donec labente mense augusto 1895 vir uxorem in adulterio deprehendit; et res eo usque pervenerunt, ut Vedastus uxorem dimitteret, quin amplius instaurata fuerit coniugalis vita. Paulo post Palmyra in ius maritum vocavit, ut pensionem ab eo reciperet; at tribunal laicum non solum hanc petitionem reiecit, sed in favorem mariti, ob mulieris adulterium sententiam divortii obtulit. Interea Vedastus, volvente anno 1898, cum mulier Parisiis domicilium haberet, ubi, iuxta affirmationem aliquorum testium, vitam inhonestam ducit, ad Curiam Archiepiscopalem Parisien, supplicem misit libellum, in quo affirmabat, se Palmyram in uxorem duxisse, ea adiecta conditione, scilicet abiurationis ab haeresi ex parte mulieris; cum vero haec conditionem non impleverit, petebat ut matrimonium nullum declararetur ob non purificatam conditionem.

[*Latin ed. p. 204*]

204 E X s - c. The Tribunal of the Council of Paris, through a delegated judge, instituted a process and, after hearing the man, as well as several witnesses, including those summoned by order of the court, and after considering all matters, on July 23, 1900, rendered a judgment concerning the validity of the marriage. It should be noted that the woman's deposition is lacking, nor does it appear from the records whether she was duly summoned before the pronouncement of the judgment; although it is established that she was summoned to hear the judgment. The judgment of the judge of Paris is as follows: "Considering that the nullity of the marriage appears to arise from a condition imposed, since one or the other of the contracting parties does not wish to give their consent unless a certain event

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occurs in the future; "Considering that marriage is null only in that case in which a condition imposed by one of the spouses has not been fulfilled by the spouse to whom it was imposed; "Considering that, in the case of Vedastus, the plaintiff, when entering into the marriage with Palmyra, imposed the condition that the girl should return from the Protestant heresy to the Catholic Church, in which she had been baptized; "Considering that Palmyra, in order not to be separated from Vedastus, sought the assistance of the parish priest of "Le Vésinet," and, according to the priest's account, with the advice of nuns who are there to educate girls, sometimes gave lectures on Catholic doctrine; that she refrained from attending the temple of the Protestants, frequently attended the Holy Sacrifice of the Mass, and publicly attended the Holy Communion on the feast of her birthday; "Considering that the parish priest of "Le Vésinet," for reasons not known, considered it not appropriate, in this case, to perform the rite of public abjuration, to which prudence and the Canons seemed to suggest, and to which rite he might perhaps have resorted, since the Bishop of Versailles had granted the parish priest the faculty of absolving for the time being; such an abjuration, as appears from letters written by her, Palmyra did not at all oppose; "Considering that the plaintiff, Vedastus, fulfilled the condition that he had imposed.

[*Latin ed. p. 205*]

PARISIAN. Some individuals believed that, after the young woman had fulfilled all that Father Roch had requested, namely, that Palmyra be admitted to the sacrament of marriage without dispensation from the impediment of mixed marriage; "However, considering Palmyra, according to the statements of the plaintiff and her sponsor, did not sincerely renounce heresy, but rather through jest, and fraudulently evaded the condition imposed by the groom; "Furthermore, it is understood that the condition could not extend to the internal dispositions of the mind, but only to external habits, as a sign of internal conversion; "We declare, pronounce, and decree that the nullity of the marriage in question does not arise from the unfulfilled condition of conversion." Synopsis of the Dispute. DEFENSE OF THE MAN. The advocate, who supports the plaintiff's arguments, seeks to prove this thesis, claiming that Vedastus had included the condition of abjuration in the agreement, and that Palmyra accepted this condition, but fulfilled it feignedly and only in part. Firstly, the defender proves the existence of the condition through letters and the testimony of the groom. Indeed, while Vedastus was in the city of Utica on March 24, 1889, he sent a letter to Palmyra, along with a copy of another letter that he had already sent to Father of Vésinet. In that letter, Vedastus wrote to Palmyra: "...do everything in your power to embrace my religion without hesitation; our marriage depends greatly on the efforts you make in this regard... as I have told you, I would be very happy to learn that you have renounced

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[heresy]... embrace my religion... I am going to bed, hoping that you will follow my advice – it will be a great joy for your child (he himself wrote to Palmyra's mother) when he learns from this distant land of the abjuration of my dear fiancée." To the Parish Priest, he wrote: "...with your teaching and your good advice, she will renounce [heresy] and become Catholic, and nothing more will hinder my marriage."

[*Latin ed. p. 206*]

206 EX S. G. CONCILII: In alia autem epistola diei 26 Martii 1889, sive post duo dies tantum ab prima, Vedastus instabat: «... Laborate ut Catholica fiam, magnumque mihi erit gaudium die, quo discam vos religionem meam accipisse... hoc erit initium felicitatis meae... felicitatis quae omnino ab vobis exspecto». Et in alia diei 26 Octobris 1889, laetissimus de proxima Palmyrae abnegatione, scribebat: «... Quia opera nostra fortiter progreduntur, quod mihi spem dat, ut pro magno opere quod agitis... ego ad vos adero...». Haec omnia vero concordant cum iurata depositione ipsius viri, qui coram iudice affirmavit: «Eam directe rogavi ut Catholica fieret. Eam ardentissime amabam, et omnia per affectum desiderabam. Sed firmiter decrevi non eam nubere, nisi si Catholica fiet... conditionem formaliter posui: ut Mlle Palmyre Catholica fieret, et ei dixi, quod quaestio religionis erat prima conditionis meae. Ei dixi, quod eam non nuberem, nisi si Catholica fiet. Hoc ei dixi coram matre et avia eius. Rogavi Mlle Palmyre ut Catholica fieret, et ad hoc ut protestantismum abnegaret... Mlle semper respondit: 'Ita'». Hanc conditionem vero acceptasse Palmyram, oratore probatur ex epistulis eiusdem sponsae, quae sub die 31 Martii 1889 Vedasto scribebat: «Volitis ut dubitationem ullam habeam de verbis vestris, dubitatis ergo de meis, vos qui timetis ut promissum meum abnegandi diem nuptiarum nostrarum non perficiam... consentio ut abnegationem publicam faciam, et ante matrimonium nostrum». In alia vero epistola diei 30 Iulii 1889 Palmyra haec scripsit: «... Matrem meam benedicturi sumus, quae tam grande sacrificium facit, me permittendo semper fidem vestram sequi». Item sub die 1 Augusti 1889: «Spero, quod gaudita estis, cum cognovistis, ut Nanie (mater Palmyrae) bene volens me relinquit, ut religionem vestram sequar».

[*Latin ed. p. 207*]

PARISIAN. 207 The defender confirms these facts with sworn testimonies of witnesses. Thus, the mother of the groom testified: "Miss de Pizzaro was a Protestant. I immediately pointed this out to my son, who replied: 'Oh! but she will become Catholic.' Moreover, I had warned my son that Miss's change of religion was an absolute, indispensable, and immutable condition for her marriage to him. Furthermore, it was also the condition that he himself set for his marriage... I know very well what my son's intentions were. He only wanted to marry Miss Palmyre on

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the condition that she become Catholic." The bride's own grandmother, whose testimony the defender states is to be given, agrees, because she is a Protestant woman who would not have testified against her nephew, nor, at least indirectly, against her own sect. She said: "Monsieur Bernard made the change of religion an absolute condition. My granddaughter Palmyra agreed to it, and my daughter also. From that day on, my granddaughter attended the Catholic Church, and my daughter accompanied her. It was at the parish of Vésinet. My granddaughter was very eager for this marriage and would have accepted anything under any conditions to enjoy the freedom of a married woman. This condition having been set, Miss Palmyra, my granddaughter, accepted it and began to fulfill it in the way I have just described, by attending the Catholic Church." "I am sure," said the sister of the plaintiff, "that he had demanded as an absolute condition for his marriage the change of religion of Miss Palmyre... my brother told my mother several times, who in turn repeated it to me, that he would only marry Miss Palmyre if she became Catholic." And Dona Eugenia Couvreux testified: "The change of religion was an absolutely required condition." Leonides Prévotaux, Tomas, and Clement Couvreux corroborate this. Having proven the existence of the condition, the defender further affirms that the condition was fulfilled by Palmyre's abjuration.

[*Latin ed. p. 208*]

208 FROM the Decrees of the Council. Indeed, the advocate reports that, according to the testimonies of the Versailles Court and the Parish Priest of Vésinet, no trace of Palmyra's abjuration was found in those archives; nor, likewise, according to the testimony of the celebration of the marriage given by the Parish Priest. Similarly, all the witnesses testified that they had neither seen nor heard nor known of the execution of the abjuration. Moreover, the Parish Priest of the Bridegroom himself stated: "I do not think it is necessary; I believe that Communion is equivalent to abjuration." Furthermore, the advocate continues, Palmyra did not sincerely and from the heart receive the Catholic faith; but only, in order to deceive the good faith of the Bridegroom and of his parents, she occasionally attended the Catholic Church of the town and received the Holy Sacrifice once. And speaking of the bad faith of the bride, the advocate recalls that in letters sent to the aforementioned man, she showed herself to be unfavorable towards the Catholic religion. Thus, in one letter, she asserted: "I find you truly ignorant concerning the Protestant religion; but know, therefore, and forever, that this title, which I once bore so proudly, and which I have banished from my coat of arms, allows me from this day forward to be considered Catholic." In another letter, she affirmed: "This morning I went to Mass, and I prayed for you. How I must love you, my dear, to kneel in this church, which has caused me so much harm! Finally, I have promised to spend a year here, and I will keep my promise." Also, in a letter dated June 30th, she

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asserted: "I got up early, in order to fulfill the painful promise that I made to you, to go to Mass every Sunday." Therefore, the advocate continues, Palmyra did not in any way abjure the errors of the Protestant sect, but only, for the sake of deceiving and in order to enter into marriage, she occasionally attended the Catholic Church, and received the Holy Sacrifice once. Regarding this matter, the witness Eugenia Couvreux testified: "I only know, because she (Palmyra) told me, that she became Catholic, in order to marry Mr. Bernard, but that..."

[*Latin ed. p. 209*]

PARISIAN. 209, she did not fulfill the obligations. When asked if she attends Mass, I answer affirmatively, but in reality, I do not attend." The grandmother of Palmyre herself confesses: "It is not to my knowledge that there has ever been, for my granddaughter, any ceremony whatsoever of abjuration of Catholicism, while, in fact, she practiced Protestantism, and that even she was admitted to the stage." And Lady Maria Couvreux affirms: "To celebrate the marriage, she would have embraced any religion, or would have done without it altogether." Brought to this point, the petitioner complains that the parish priest of Vésinet, without any abjuration, and without the due permission of his own Bishop, lightly and imprudently admitted Palmyre to receiving the Holy Sacrifice of the Mass. Indeed, according to the petitioner, this priest expressed such abnormalities that one might say they could only be uttered by a priest either completely deranged or fallen into impiety. The defender reports that the mother of the groom, when she asked the priest whether Palmyre had received the Catholic faith, received this response: "That I took the matter very seriously; that Miss Palmyre was very well instructed in religion, and that there was little difference between her beliefs and ours." To Palmyre, however, the priest spoke in this way: "My child," he said to her, "pray to God with us, since that is the desire of your future family, and of your fiancé. Write me a letter in which you promise to follow the Catholic religion, but do not perform any visible act that would prevent you from returning to your original church if you do not marry the one you love." Finally, the same mother, questioning the priest again as to whether Palmyre had made an abjuration, the priest replied to her: "It is not necessary; I think that Communion is equivalent to abjuration." Therefore, the advocate argues, the priest misled the groom and his mother, leading them to believe that no further action was required.

[*Latin ed. p. 210*]

210 EX S. C. CONCIMI Palmyra abiurationem requirerent. Siquidem illi ex Parochi verbis persuasum habuerunt Palmyram ea omnia satisfecisse, quae rite ad fidem catholicam amplectendam requiruntur. At e contra Palmyra nec intrinsecus nec extrinsecus religionem catholicam recepit,

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sed corde et animo in suis erroribus permansit, licet ad sacram Synaxim accederet. Unde optime animadvertit praedictus Vicarius: « Il n'est pas étonnant que la jeune fille se soit confessée et approchée de la Sainte Table. Je la crois capable de toutes les simulations... Je la crois capable de tout ». Ergo, iuxta oratorem, vir non modo abiurationem externam, sed veram sinceramque ad fidem catholicam conversionem ab ea reposcebat; sed cum ipsa nec extrinsecus per abiurationem, nec intrinsecus per sinceram conversionem, conditionem in se receptam revera expievisset, idcirco nec verus consensus praestitus fuit, proptereaque, nec verum matrimonium, vitio nullitatis in radice laborans. Quinimo, urget advocatus, cum ageretur de haeresi publica, formalis abiuratio erat omnino necessaria. Ad rem clarissimus De Angelis (Praelect. Iur. Can. lib. V, tit. VII, tom. 4, pag. 191) ait: « Ex iure vero Decret, lib. V, de haereticis, tit. VII, cap. IX, — Ad Abolendam — statutum est solis Episcopis ius competere absolvendi haereticos ac schismaticos post publicam eorum ab erroribus abiurationem et quidem coram testibus. — Unde ex dicto capite Decret. Episcopi possunt absolvere in foro externo haereticos a censuris quibus fuerint innodati; ex Conc. Trid. sess. 24, c. VI, episcopis eis tantum, non eorum vicariis, absolvere, in foro conscientiae, haereticos occultos; sed nequeunt absolvere, in foro conscientiae, ab haeresi publica ». Hoc quoque eruitur ex facultate absolvendi, quae confessariis, eam petentibus per S. Poenitentiariam conceditur. In paragrapho enim fert. pagellae S. Poenitentiariae, facultas absolvendi poenitentes a peccatis ob haeresim vel ob apostasiam a fide his verbis limitatur ac exprimitur: « exceptis haereticis publicis, sive publice dogmatizantibus ».

210 FROM S. C. CONCIMI, Palmyra required an abjuration. Since those present had been led to believe by the words of the Parish Priest that Palmyra had fulfilled all that was properly required to embrace the Catholic faith, but on the contrary, Palmyra neither inwardly nor outwardly embraced the Catholic religion, but remained in her errors of heart and mind, although she attended the Holy Mass. Therefore, the aforementioned Vicar rightly observed: "It is not surprising that the young woman confessed and approached the Holy Table. I believe her capable of all pretense... I believe her capable of anything." Therefore, according to the speaker, the man demanded not only an external abjuration, but a true and sincere conversion to the Catholic faith from her; but since she had not truly fulfilled the condition of being received within herself, neither externally through abjuration, nor internally through sincere conversion, a true consent was not given, and therefore, there was no true marriage, suffering from a defect in its very foundation. Furthermore, the advocate argues that, since the matter concerned public heresy, a formal abjuration was absolutely necessary. On this point, the most esteemed De Angelis (Praelect. Iur. Can. lib. V, tit. VII, tom. 4, pag. 191) states: "According to the law, the Decretals, lib. V, de haereticis, tit. VII, cap. IX, — Ad Abolendam

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— it is established that only Bishops have the right to absolve heretics and schismatics after their public abjuration of their errors, and that before witnesses. — Therefore, from this chapter of the Decretals, Bishops can absolve in the external forum heretics from the censures to which they have been subjected; from the Council of Trent, session 24, c. VI, only to those Bishops, and not to their vicars, can absolve, in the forum of conscience, hidden heretics; but they cannot absolve, in the forum of conscience, from public heresy." This is also derived from the power to absolve, which is granted to confessors, those who request it, by the Sacred Penitentiary. In the aforementioned paragraph of the page of the Sacred Penitentiary, the power to absolve penitents from sins due to heresy or apostasy from the faith is limited and expressed in these words: "except for public heretics, or those who publicly profess dogmas."

[*Latin ed. p. 211*]

PARIS. 211 – What is stated here is derived from the Constitutions, from the Apostolical See, from Pope Pius IX, § 2, concerning excommunications, which are reserved in a special manner to the Roman Pontiff. Furthermore, from the instructions and responses of the Most Holy Congregation of the Inquisition, it is almost always required that heretics who desire to return to the Catholic faith publicly abjure their errors before a Notary and witnesses, and swear not to assent again to the abjured errors and not to communicate with heretics. However, if, in regions where heresy spreads openly, a dispensation is granted from public abjuration, it is nevertheless strictly required (as stated in a response given by the Holy Office on March 28, 1900), "that the abjuration can be made before any delegate of the Bishop, such as a notary, and before some persons as witnesses." Indeed, from what has been stated above, the defender argues that: 1. Abjuration, whether public or private, is always strictly required, and it must be in writing, signed by witnesses and a notary, and deposited in the archives of the court. 2. Only the Ordinary Bishop has the right to receive the abjuration, or one specially delegated by him for this purpose. 3. The Bishop cannot, in foro conscientiae [in the court of conscience], absolve from public heresy; and he alone (and not his Vicar) can, in the same court of conscience, absolve from hidden heresy. But, having stated all of this, he concludes that the parish priest acted very poorly, when, contrary to all right, and therefore without any authority and without prior abjuration, he absolved a public heretic in foro conscientiae, and furthermore, he admitted her, still bound by the censures, to receive the Holy Communion; and thus he led the spouse into error, who, based on this action and the assertion of the same parish priest, believed that the condition had been fulfilled. Finally, the advocate contends that there are absolutely no reasons for the decision that moved the minds of the judges of Paris in their judgment. For, first of all, they affirm that "in the case of Vedastus, the condition was that

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the girl be absolved from heresy."

[*Latin ed. p. 212*]

212 "That the resi [female converts] from the Protestant sect may return to the Church in which they were baptized." But, the advocate replies, it has already been sufficiently demonstrated that Vedastus not only imposed the condition that the girl return to the Catholic faith, but also that she formally renounce Protestantism. The defender, however, states that it is false that Palmyra "refrained from entering the Protestant temple; she frequently attended the sacred Mass..." Indeed, her grandmother testified under oath: "While, in fact, she practiced Protestantism, and even was admitted to the Lord's Supper." And the witness, Clemens Couvreux, testified: "At the moment when Miss Palmyra was about to be married, she practiced the Protestant religion, as did her mother, with whom she went to the Protestant temple." But neither - did she frequently attend the sacred Mass; - for the witnesses saw her attend the Mass only once or twice at most. Indeed, according to the testimony of Eugenia Couvreux, Palmyra said, "When I am asked if I go to Mass, I answer affirmatively, but in reality, I do not go." Furthermore, the judges state: "That the parish priest... for reasons unknown to us, considered it not appropriate in this case to perform the rite of public abjuration, to which rite prudence and the Canons urged him, and to which rite he perhaps could have resorted, since the Bishop of Versailles had granted the parish priest the faculty to absolve from censures for a time; for Palmyra, as can be seen from the letters written by her, was by no means averse to such an abjuration." But, the advocate objects, that, as has been demonstrated above, 1. The Holy Canons, the instructions of the Holy Office, and the Doctors, strictly require abjuration, whether public or private. 2. From public heresy, in the forum of conscience, neither Bishops nor can absolve, and therefore, a fortiori, neither can priests. Bishops can indeed absolve from hidden heresy, but they alone; which is irrelevant here, since we are dealing with a heretic in a public place. 3. Nor did the parish priest have the faculty to absolve from censures (from heresy) from the Most Reverend Versailles.

[*Latin ed. p. 213*]

PARISIAN. To the 215th Bishop, for in the register of reserved cases within the Diocese of Versailles, under the title "Cases reserved to the Bishop," no. 2 states: "heresy, schism, apostasy from the Christian religion, etc." (which, unless it is understood of hidden heresy). But in a letter from the Official Curia of Versailles, it is stated: "... an article of the synodal statutes... gives the power of cases generally reserved to all immovable parish priests, etc." But since this concerns only cases generally reserved, it cannot be understood of those specifically reserved to the Bishop. Moreover, if the parish priest had possessed some special authority, it

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should have been documented, but, the advocate notes, no trace of this has been found. Indeed, the parish priest acted according to his own judgment, as he himself affirmed to the mother of the man: "It is not worth [the abjuration], I think that Communion is equivalent to abjuration." And to Palmyra, he said: "Do not perform any visible act that would prevent you from returning to your original Church if you do not marry the one you love." It cannot be said, "that such an abjuration was not repugnant to Palmyra"; for the advocate recalls what she wrote to the man on July 8, 1889: "Never, never will I abjure my religion." Finally, the judges state: "considering that the plaintiff believed that the condition imposed by him had been fulfilled after the girl had completed everything that the parish priest had required, Palmyra was admitted to the sacrament of marriage without a dispensation from the impediment of mixed religion." But the defender replies that all of this is turned against the parish priest, and that no one can fail to see. For, since the man was neither a theologian nor a canonist, he could not know what is strictly required for receiving heretics into the Catholic Church, and since he lived in a distant region, he believed that the parish priest would perform everything properly, as was fitting, and he entrusted himself to his judgment. Therefore, the mother of the man rightly remarked: "but I thought to myself, that after all, I could not be more demanding than Mr. the Parish Priest."

[*Latin ed. p. 214*]

214 FROM THE OBSERVATIONS OF THE DEFENDER OF THE HOLY GENERAL COUNCIL, SAINT VINCENT. On the contrary, the Defender of Saint Vincent does not deny that he interpreted the condition of abjuration expressed by Vedastus at the beginning; but he argues that Vedastus himself withdrew from this condition, being content with what Palmyra had already provided; therefore, he affirms that the marriage began without any condition. And to prove this, he cites letters which Vedastus and Palmyra exchanged with each other during those two years of marital relations. Indeed, on March 24, 1889, Vedastus wrote to Palmyra: "I have just written to Monsieur the Curé of Vésinet, I send you a copy of my letter; you will be able to judge how much your thought torments my heart and how much I suffer far from you." The letter, sent to the parish priest, was as follows: "I come, therefore, my Father, to ask you to be my protector before my parents in obtaining the consent that they refuse... if only you could obtain from them a word of hope, my heart would be joyful. This young woman, it is true, is Protestant, as I believe I told you on the day when I had the pleasure of speaking with you, but with your teaching and your good advice, she will abjure and become Catholic, and nothing more will hinder my marriage, unless it be wealth. May my good Mother forgive, God will be there to watch over our little household, and she will have two children who will bless her and who will love her very much. Therefore, work, my Father, to

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bring back this stray sheep so as to contribute to my future happiness, my future is in your hands." On the 26th of the aforementioned month, that is, two days later, he wrote again to the same Palmyra: "Pray well, dear friend, for your fiancé, who lives only for you. Work to become Catholic, I will have great pleasure on the day when I learn that you have embraced my religion... it will be the beginning of my happiness... happiness that I expect entirely from you." Palmyra, in turn, wrote to Vedastus on the 30th of the same month, saying:

[*Latin ed. p. 215*]

PARISIAN. On the 215th day, he writes: "Your letter arrived this morning with your request to join me in invoking our Father in Heaven; have I not done this very often since your departure? But I would like to know if you have deeply considered the sentence that followed that last one: what request are you addressing to me? If I have understood correctly, I have read your desire to know whether I am Catholic for your return, but it seems to me that it was agreed before our separation that the great question of religion would not be raised in our correspondence. What evil spirit comes to sow discord among us? I might accede to your request if I had not recognized the handwriting of your mother and her supreme will... I have even more serious things to remind you of. After my visit to the Curé of our parish, I entered your church, determined to follow his advice and instructions point by point. "My child," he said to me, "pray to God with us, since that is the desire of your future family and your fiancé. Write a letter to me in which you pledge to follow the Catholic religion, but do no visible act that would prevent you from returning to your former church if you do not marry the one you love." This is what I have done, what I am doing, and what I will do, and nothing more, until the day when God unites us."

RURSUS, on the 31st day of the month of March, writes: "My letter of yesterday, which should now be in your hands, was like a response to your last. I realize the painful sacrifice that I expect from your blind filial piety, but I feel so strongly that our happiness depends on this one decision that I thought it wise to express it. "You speak of abjuration, but how do you not reflect that the desire of your mother, concerning this act, is only a simple pretext, more respectable than any other? I find you truly ignorant in this matter, for..."

[*Latin ed. p. 216*]

216 From the Decrees of the Council concerning the Protestant religion; but know this, and forever, that this title, which I once bore with such pride, and which I have banished from my coat of arms, allows me, from this day forward, to be considered Catholic... I consent to make a public abjuration, and before our marriage, if Madame your mother sets aside her selfish

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ambition, by agreeing to our happiness, and by allowing you to attend this sad ceremony.

On the 8th of July, 1889, Palmyra wrote to Vedastus: "It is useless to involve the Curé of Bizerte, who could only announce to your parents one thing: that I will never, never, I say, abjure my religion. One has behaved very badly in your Church, towards me; therefore, if I attend Mass regularly, it is because I have promised.

"Therefore, choose between your parents and your fiancée, and do not cause me further sorrow by speaking to me about your family... Farewell, I still love you, and I am very sad to cause you pain; you must understand that it cannot be otherwise."

Therefore, the defender of the bond, Vedastus, after receiving this explicit letter from Palmyra, besides the fact that the marriage negotiations were not interrupted, and besides the fact that he spoke no further about abjuration, seemed to have touched the sky, and immediately upon receiving Palmyra (according to the judgment of the parish priest), he was able to admit her to the Sacrament of the Holy Eucharist without abjuration, and Palmyra was prepared to receive the Holy Synaxis on the feast of the Nativity of Our Lord.

And in truth, Vedastus, in the letters given afterwards, always regarded that first reception of Holy Communion as a sign of conversion. Indeed, on the 26th of October, he wrote to Palmyra: "Our work is progressing strongly, which gives me the hope that for the great act (the Holy Synaxis) that you are about to accomplish... I will be by your side."

Furthermore, on the 10th of the following November, he wrote: "Do not be afraid, Pipa, if the work is not finished for this..."

[*Latin ed. p. 217*]

PARISIAN. December 217, a significant date... Christmas... I will still go to kneel with you at your side before that God whom we will love and to whom we will swear to be faithful to one another; this day will be very beautiful for me..."

Then, on December 12, 1889, Palmyra wrote to Vedasta: "Although I strongly doubt (and I have reasons for this) the slightest good disposition, and I will even say the slightest good faith of your family towards us, although I strongly doubt it, to make you very happy, I will receive Holy Communion at Christmas, but on one condition, and that you must truly fulfill if you love me, which is that you will no longer accept from your own family after this great act the slightest objection, since the condition of the religion that they call 'principal' will be fulfilled..."

Indeed, the defender continues, it is well-established that on the Nativity of the Lord, the "great act" was completed, namely, the reception of the Holy Eucharist, through which, as Palmyra stated in the aforementioned

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letter, "the condition of the religion will be fulfilled."

Certainly, Vedasta's sister testifies: "What I know very well is that Miss Palmyra received Holy Communion at the church of Vésinet. I saw her myself at the Holy Table on Christmas Day 1889, and she received Holy Communion at the eight-thirty Mass. My mother and I were there; Miss Palmyra, whom we did not see before or after Mass, was a few rows in front of us. Seeing Miss Palmyra receive Holy Communion, I informed my mother, who, having poor eyesight, could not notice it."

As false, the defender rejects what is presented to the contrary, that Palmyra celebrated the divine banquet without the sacrament of Confession. For the priest Gabriel Vulliez, who at that time held the office of assistant pastor in the parish of "Vésinet," testifies: "What I know is that Miss Palmyra went two or three times to see Mr. the Curé Boutroux (the pastor) before the marriage, at his home. One day, she confessed and received Holy Communion at Mr. the Curé's Mass, to which 15 to 20 people were present, as at...

[*Latin ed. p. 218*]

218 FROM THE ORDINARY SESSION OF THE HOLY GENERAL COUNCIL. Finally, Avia of Palmyra states: "What I know is that she attended the church of Vésinet, presented her case to Mr. the Parish Priest of Vésinet, who was Mr. Jouan, now deceased, who confessed her and admitted her to the Holy Communion." Furthermore, Palmyra had previously received appropriate instruction in the Catholic faith before her sacramental confession. Indeed, Vedastus's mother testifies: "I learned from one of the Religious Sisters (Sister of the Cross, a Religious of the parish) that Miss Palmyre had come to their house to be instructed by a Religious Sister in charge of teaching and preparing the children for the Catechism. I also spoke about this matter with Mr. Boutroux, the Parish Priest of Vésinet. Mr. Abbot Bourtroux replied... that Miss Palmyre had been instructed in the religion." Maria Bernard, the sister of the man, states: "I learned that Miss Palmyre (this was told to me by a Religious of the Order of the Wisdom) had gone to see another Religious of the same order, in order to receive instruction." Therefore, in a few words, the defender summarizes the present case: Palmyra was instructed in the Catholic religion by the parish priest and by a Religious of the parish of "Vésinet," she attended Mass on holy days and feast days, and she received the most holy Sacrament of the Eucharist on the day of the Nativity of Our Lord Jesus Christ. She promised these things, and she fulfilled them; she declared to Vedastus that she would do nothing else at a time useful to him. If Vedastus was content with these things at that time, he unjustly complains now. For what pleased him before the celebration of the marriage, he cannot now find displeasing. If it is objected that, through these things, Palmyra was not converted from the Lutheran heresy to the Catholic religion; the

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advocate replies that this is irrelevant to our case. Indeed, the marriage of a Catholic with a non-Catholic, consecrated by the sacrament of Baptism, has value in itself; but the question is whether Palmyra fulfilled what she promised to Vedastus; and the defender believes that he has sufficiently demonstrated that she fulfilled what she promised, and that she made this clear to Vedastus, and that he understood it explicitly.

[*Latin ed. p. 219*]

PARIS. In 219 verbis, ella declaravit: "Esto lo que he hecho, lo que hago, lo que haré, y nada más, hasta el día en que Dios nos una." En efecto, ocho meses antes de la celebración del matrimonio, en Palmyra, ella profesó con claridad que no añadiría ni una mota ni una pizca a lo que ya había cumplido con respecto a la religión: "Después de este gran acto, la condición de la religión será cumplida... y nada más. Nunca, nunca, escúchenme, abjuraré mi religión." Si Vedastus hubiera deseado algo más, según el orador, habría podido expresar esto con las siguientes palabras, y habría tenido que añadirlo como una condición indispensable para la celebración del matrimonio. Sin embargo, concluye el defensor del sacramento, ni una pluma ni una huella de la mencionada condición se encuentra en el documento de la celebración del matrimonio, que dice así: "En el año de Nuestro Señor mil ochocientos noventa y uno, y el veintisiete del mes de agosto... fueron publicados (los novios) sin que se produjera ningún impedimento u oposición, en el sermón de la misa parroquial en la Iglesia de Santa Margarita de Le Vésinet el domingo diez de agosto, con dispensa de dos proclamas; y en la Iglesia de Bizerte, archidiócesis de Cartago, los diez y quince de agosto; he recibido en esta Iglesia su mutuo consentimiento para el matrimonio con las ceremonias prescritas por la Santa Iglesia, en presencia del Mons. Charles Couvreux, Don Juan de Pizzaro, Etienne Paul Fontaine, quienes firmaron con nosotros." Teniendo en cuenta estas observaciones, la cuestión a resolver es: ¿Debe confirmarse o infirmarse el dictamen de la Curia de París en este caso?

RESOLUCIÓN. La Sagrada Congregación del Concilio, después de examinar el caso el 20 de junio de 1901, consideró que debía responderse: "El dictamen debe confirmarse."

[*Latin ed. p. 220*]

220. Regarding the Obligations of Indulgences. August 19, 1899. By summary proceedings. A COMPENDIUM OF THE MATTER. The Chapter of the Cathedral Church of Anagni enjoys the revenues from benefices, which are entirely distributed in daily allotments. Therefore, since four canons of this chapter have obtained permission to teach sacred disciplines or the humanities in the Episcopal Seminary, and are thus excused from attending the choir for certain days and hours, losing a third of their allotments, they contend that they are not obliged to celebrate the Conventual Mass, nor to

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be present as ministers at Mass or Vespers on those days and hours, even if they would otherwise be required to fulfill these duties by turns, because they are legitimately hindered from doing so by their teaching or other duties, according to the granted permission. On the other hand, the other canons of the same Cathedral, adhering to an unforgettable custom, and relying on the Chapter's own constitutions, attempt to invalidate this right granted to the four canons. A SYNOPTIC DISCUSSION. The canons who have received the indulgence argue as follows: The Sacred Congregation of Rites (S. C. C.) has decreed that canons who have been granted an indulgence are not obliged to be substituted for another, either in celebrating the Conventual Mass or in performing other duties, especially since they are hindered from using the indulgence they have obtained, and that no custom, even one considered "unforgettable," should be taken into account. Indeed, those who have received the indulgence enjoy this concession under a certain condition, namely, the loss of a third of their allotments for the days and hours in question. To this end, they cite certain decisions of the same S. C. C., which state that canons who are ill are not obliged to have another celebrate the Conventual Mass and chant the Gospel. S. C. C., in Calaritana Onerum, ON THE RIGHTS OF CANONS WHO HAVE RECEIVED INDULGENCES.

[*Latin ed. p. 221*]

ANAGNINA, 221, 17 September 1831; as also the canonical jubilee of the Most Holy Order, in Siena, 12 May 1759; although the conventual Mass, as confirmed by Benedict XIV, as well as by the Sacred Congregation itself, constitutes the principal part of the divine office. Therefore, it is considered that, a fortiori, those who temporarily receive dispensation from the choir are not obliged to attend the conventual Mass. Even more so, because those who are sick, or those celebrating a jubilee, do not lose their distributions, which cannot be said of those who temporarily receive dispensation, who, being deprived of the third part [of their income], must pay their portion for the conventual Mass, which will be sung by others. Regarding the case of Pallottini: "A legitimately absent person is not obliged to provide another to sing the conventual Masses, although an ancient custom exists, by which canons, absent for any reason, are obliged to provide another priest, who will sing the Masses, at their own expense." *Collectio Resolut. S. C. C. v. Canonici § ILn. 262*. And this seems to be confirmed by the decision of the Sacred Congregation in Segni regarding indulgences, 22 July 1826. In Segni, indeed, the cathedral canon, Bruno, having been appointed to the office of singing canon of the Most Holy Pontiff himself, obtained an indulgence from the Sacred Congregation on 20 February 1823, "to be excused from the choir during his office, etc." However, the aforementioned canons, citing the memorable custom, requested that the aforementioned canon, although he would lose his distributions, should provide another

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to suffice for the conventual Mass in his absence. The matter was brought before the Sacred Congregation, with these doubts: "I. Is Canon Bruno obliged to have another sing the votive and conventual Masses in this case? And, if so: II. Does he have the right to receive the emoluments for the votive Masses in this case?" And the Sacred Congregation responded: "To I. Negatively. To II. Provision is made in the first [response]." From this, the aforementioned canons infer that those who are excused from the third part [of their income] for certain days and hours are not obliged to attend the conventual Mass, nor to perform the duties of the ministers during the evening hours, and that they are not obliged to have these duties performed by another, when they are hindered.

[*Latin ed. p. 222*]

222 FROM THE DECREES OF THE COUNCIL: Those who are granted indulgences attempt to weaken the arguments of the opposing party, noting that those things which the Sacred Council decreed in Signina are not applicable to the present case. For they say that, besides the unforgettable custom, the Anagnina capitular constitution must be considered, which in chapter XIII, paragraph 1, states: "Whoever, during his week, or at another time, performs the office of chanting the Mass, Epistle, or Gospel, either in his own name or in place of a hebdomadarius, unless he is present at the opportune time, and does not perform his office himself, or if he is legitimately detained, does not have it performed by another, let him be subject to a penalty and fine, namely, that he shall lose the distribution for three days; and let him, according to the number of days or offices in which he was absent, pay a simple or double compensation, so that, in this case, the Divine Offices are not disturbed by the fault of anyone, but that the minor canons of the same order shall entirely make up for the deficiency and fulfill the duty. But if no one is available from the same order, let that duty be transferred to the next superior, and let it be decreed that this shall be observed in whatever function. " To understand this chapter, the canons who oppose the granting of indulgences distinguish two kinds of those who are absent: namely, those who are legitimately hindered from being present in the choir. There are, indeed, those who are considered present, and therefore receive all the benefits. But there are also others who receive only two parts, leaving the third to those who are present in the choir. The first kind are those who are listed in chapter XII of the same constitution, that is, the infirm, those holding the office of Theologus, Penitentiarius, those hindered by the Diocesan Visitation, etc. The second kind are those who are excused from the choir either by law or by a special grant from the Holy Father, and are excused from the third part [of their duties] for the days and hours in which they are detained, as are the indultarii by reason of their office. Indeed, they argue that both kinds share a common characteristic, namely, that they are absent because of a legitimate impediment to

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attending the choir. Therefore, they infer that the aforementioned chapter XIII of the same Constitution, which speaks of "those who are legitimately detained," refers to them in a general sense.

[*Latin ed. p. 223*]

ANAGNINA: Two hundred and twenty-three foot soldiers, that is, those belonging to either of the two categories; not exclusively those about whom we spoke in chapter XII, who, indeed, are affirmed to belong to only one category. However, it is well known that this rule of law applies: "where the law does not distinguish, neither should we." Indeed, in the aforementioned article, no distinction, either explicit or implicit, is made between those who are legitimately excused by reason of office, and the others who are hindered for some other cause. Therefore, they say, if the legislator had not wished to include those excused by office in the count, but only those legitimately absent, about whom we spoke in chapter XII, he would certainly have stated this; all the more so, since he was dealing with a penal law, for which it is presumed that the legislator intended to use clear and precise words. Furthermore, although chapter XII, while permitting distributions to certain absentees, namely, the capitulars accompanying the Bishop during a Visitation, whether urban or diocesan, is contrary to canonical sanctions, the Sacred Congregation [de Propaganda Fide] has not condemned it, as is evident from the decisions of the same Sacred Congregation relating to these capitular constitutions, and as is stated in the same Constitution, pages 40 and 41. This, they argue, is an argument that the laws of a certain chapter of a cathedral can, although contrary to the sacred canons, sometimes be taken into account by the highest authority of the Church, especially if they have been recognized and confirmed by that authority. And indeed, they assert that this has been the case with regard to their own constitution, namely, for the purpose of implementing what the Council of Rome decreed in 1725, title II, chapter IV; to which John Baptist Bassi, Bishop of Anagni, was present, and to which he subscribed. What, then, is surprising, they say, if the Sacred Congregation in chapter XIII, although clearly contrary to common law, has declared it valid? Therefore, it is clear, they say, that the capitular constitution applies to all who are legitimately absent in general, and therefore also to those who are excused by office, so that they may perform their duties through another.

[*Latin ed. p. 224*]

224. From the Sacred Congregation, it is stated that the canons are not only bound by the force of a particular law, but also by the force of a pact and an obligation voluntarily accepted by them, namely, when, shortly after taking possession of their benefice, they swore to observe the constitutions. From this, they infer that the aforementioned article of the constitutions, although it functions as a particular law, and therefore, espe-

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cially in relation to the sick, is contrary to common law, nevertheless, it derives its force from the burden voluntarily undertaken by them. This agreement, according to them, entails that any renunciation of privileges, even if granted by the Holy See, exempts the canons from the obligation to be substituted. The canons add that the daily revenue of the Anagnina cathedral amounts to 3,500 *librae*, while, according to the constitution of the Chapter, chapter 1, paragraph 2, concerning divine offices, expenses are distributed into thirteen portions each day, of which two are assigned to the conventual Mass; therefore, a canon who is absent from this Mass without a just cause loses 3,500 *librae*, or approximately 55 percent of the *librae*. However, a canon granted an indulgence who is absent from the choir for the purpose of teaching loses only one-third of this sum, namely, 1800 *librae*. This, they say, is a small compensation, which is certainly inadequate, both for the application of the Mass and for the inconvenience caused to others; since, for the conventual Mass, approximately 2000 *librae* are determined, and at least 75 percent are assigned for the service of the ministers. Furthermore, citing the decision of the Sacred Congregation in Signina, mentioned above, they believe that this response refers rather to canons who are habitually absent from their benefice, so that they are never present in the choir; who, therefore, relinquish one-third of their benefice to be added to other canons, especially due to the inconvenience. On the contrary, the canons with indulgences in the Anagnina cathedral not only reside there constantly, but are present in the choir on all days when school is not in session; indeed, two of the canons with indulgences participate daily in the choir, spending one or two hours fulfilling the duty of teaching.

[*Latin ed. p. 225*]

AN AG NINA 225. They argue that the third portion of the expenses, which they themselves incur for the days and hours during which they are absent from the choir due to the demands of their office, should not be considered equivalent to all that the other canons are compelled to fulfill in their stead. On the contrary, the Indultarii maintain that, should the capitular constitutions be brought forward, these, according to them, do not speak of the Indultarii in chapter XIII, nor anywhere else, but of those who are legitimately absent, to whom, from the same chapter XIII, the burden is imposed both of celebrating the conventual Mass and of having the duties of the ministers fulfilled by another. However, they say, those who are considered present, as is read in chapter XII, are not other than the sick, and also the Theologus and the Penitentiarius when they are performing their duties; also those accompanying the Bishop in the visitation of the diocese, and others; although, indeed, mention is made in general of the Indultarii. Therefore, chapter XIII of the Constitutions, beginning with "Whosoever," seems to refer to those whom, as legitimately absent, the same Constitutions enumerate in another chapter, namely chapter XII. Con-

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sequently, the burden of celebrating the conventual Mass and of having the duties of the ministers fulfilled by another, from the same chapter XIII, is imposed only on those who are legitimately hindered, of whom mention is made in the same chapter XII; certainly not on the Indultarii, who are not mentioned among them. This, they assert, is in accordance with equity; for since those who are absent leave their colleagues with a need, it is certainly necessary that they should strive to provide for others, in place of those who are legitimately absent, at their own expense. This, however, cannot be said of the Indultarii, who, in a certain way, satisfy the burdens that others are compelled to bear in their absence by incurring a certain expense. Furthermore, the Indultarii add that what the other canons affirm could be proven, if the twofold distinction, devised by them, concerning those who are legitimately absent, were truly made in the aforementioned capitular constitution; indeed, then it could rightly be affirmed that the legislator, by the words "those who are detained by a legitimate impediment," intended to include all who are legitimately absent, and therefore also the Indultarii. However, not a word of this is found in the Acta, volume XXXIV, page CD. 15.

[*Latin ed. p. 226*]

226 From the aforementioned distinction in the cited Council Constitution, it pertains to those granted indulgences, but it speaks only of those legitimately absent, as enumerated in chapter XII, to whom the full right to receive [the distribution] belongs. Therefore, since chapter XIII commands that those "who are legitimately detained by some impediment" should have the office of celebrating the Sacrifice of the Mass performed by others; it is clear that it speaks of those who are legitimately absent, as mentioned in the preceding chapter XII. Therefore, the reason is not apparent why what is read in chapter XIII should also apply to those granted indulgences. Indeed, it is observed that, although what is mentioned in chapter XIII should apply to those granted indulgences, it would certainly require a law to be inferred, namely, that they should be held, for their week, to attend the conventual Mass either in person or through another; and that it should be permissible for them to enjoy the same rights that are granted to them in chapter XII of the Constitution, namely, that legitimately absent individuals should not lose their share of the third distribution. Indeed, the Constitution in chapter XII, paragraph 28, states: "Thus, all, in every kind of distribution, may enjoy and avail themselves of the right of the present, as often as they are truly hindered by the reasons for which they are required to be present, from attending the divine offices in the choir; and they should remember that they have God as their witness and judge, to whom they will have to give an account if they lie." Also, in the same chapter, paragraph 30: "The faculty granted to all in all the cases mentioned above, to participate in the distribution as if present, even though absent,

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applies to all distributions, both those that are currently being made and those that are to be made in the future." Moreover, they do not believe that the passage cited by the opponents is relevant, namely, "where the law does not distinguish, neither should we distinguish." For if, indeed, those granted indulgences are, by a general law, excused from celebrating the conventual Mass, as well as from performing their office at Vespers and in singing the Mass; then, if the Constitutions had intended to grant them the same right, it would certainly have been expressly stated.

[*Latin ed. p. 227*]

ANAGNINA 227 «deberent edicere. Alii vero dicunt quod haec de odiosis ageretur: namque, relinquentes tertiam partem ex qua Missarum stipendium sumendum, et easque insuper propriis expensis implere curantes, bis solvere cogerentur. Quare, legislaator, subjungunt, si tale onus ipsis imponere voluisset, profecto apertissime declarasset, juxta illud: "Legislator quod voluit expressit." Nec admitti posse addunt, eos ad Conventualem celebrandam et munus ministrorum gerendum, magistri causa absentes, per alium teneri, saltem vi pacti obligatorii ab ipsis ultro suscepti, scilicet cum paulo post captam possessionem iuramentum dedere, se dictae Constitutioni obtemperaturos, prout in capite XVII, a. 2 praecipi videtur: "In alio autem Conventu Capitulari, si nihil obstabit, fidei professionem flexis genibus emittat, iuretque se legisse statuta, eorumque observantiam promittat sub poenis in eisdem contentis." Animadvertunt nempe ipsorum iuramentum non modo ea quae in cap. XIII continentur respicere, prout alii canonici vellent, iubentia scilicet Conventualem per se vel per alium celebrari; sed totam Constitutionem, una cum cap. XII ubi aperte asseritur legitime absentes omnes beneficii sui reditus percipere, quin aliquid ceteris relinquere cogantur collegis, iuxta ea quae in aa. 28, 30 supra relatis habentur. Quare inferunt, si ipsi (Indultarii) hac ratione onera sustinere coguntur, cur eisdem deneganda erunt iura, quae ipsis eadem Constitutio tribuit? Proinde arguunt, aut Indultariis iuris communes praescriptiones sunt aptandae, aut capitulares Constitutiones. Si primum, profecto tertiam sui beneficii partem amittant oportet pro diebus scilicet et horis, quibus a choro ob officia in indulto adnotata impediuntur, quin tamen teneantur, dummodo legitime impediti, ad Conventualem celebrandam. Sin alterum admittatur, profecto juxta ipsum cap. XIII per alium quidem ad celebrandam Conventualem, etiam legitimo existente impedimento, tenebuntur; verum vi ipsius cap. XII immunes a relinquenda tertia sui beneficii parte, dicendi erunt.

[*Latin ed. p. 228*]

228 FROM THE DECREES OF THE GENERAL COUNCIL. Regarding the alleged renunciation presented by others, which is objected to on canonical grounds, the Indultarii respond that "the will is not directed towards

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the unknown." Indeed, it is established by law that there is no valid renunciation unless the object of that renunciation is clearly recognized, at least in a general sense. However, in order for this to be considered valid in some way, it would be necessary for the words of chapter XIII, "if there are legitimate impediments," to be applied to the specific case, which, as everyone knows, is still under consideration. Moreover, they state that, since they, as professors in the Seminary, obtained the indult according to common law after hearing the chapter, they believe that this could, in some way, be an obstacle, and that other canons, having relinquished their rights as they now demonstrate, have given their consent, so that the Indultarii, according to common law, may obtain the indult, and that they should also be subject to the provisions of article I of the aforementioned chapter XIII. Furthermore, the Indultarii add that their opponents have not sufficiently demonstrated that the Capitular Constitutions can be interpreted in such a way as to derogate from common law. Indeed, a particular law of a certain Constitution cannot derogate from general law, unless that law has been approved by the Supreme Authority. However, there is no evidence of such approval in this case. They argue, based on what is found in the Decrees of the Council of Rome in the year 1725, in which the Bishop of Anagni, Bassi, participated, that this approval cannot be obtained. Indeed, it is stated there: "The Church shall examine the ancient statutes, if any exist, and the Capitular Constitutions; and if they are not present, within six months from the publication of this Council, they shall be completely compiled, under the penalty of ecclesiastical interdict: and both, that is, the ancient and the new, shall be examined and corrected by Us, as far as the statutes of the churches of our beloved City are concerned, and the rest by the respective Bishops, and presented for approval." In other words, through their respective diocesan bishops. Moreover, they add that not only do the same words in chapter IV of the Council of Rome not prove that the Constitutions were approved by the Roman Pontiff; but rather, they contain provisions that are more favorable to the Indultarii. It is stated there: "The Bishops..."

[*Latin ed. p. 229*]

ANAGNINA 229 "In examining those [clergy], if they discover that anything has occurred contrary to the law, or to the decrees of the Council of Trent, or to pontifical Constitutions, they should consult the Apostolic See regarding this matter, from which they may expect legal remedies, etc." From these words, it seems that if the aforementioned words in chapter XIII were also applicable to the *Indultarii*, then, without a doubt, the Bishop of Anagni, Bassi, who is in charge of examining and correcting the aforementioned Constitutions, and who is especially skilled in canon law, would not have failed to consult the Apostolic See, from which he would expect legal remedies. Indeed, not even a trace of this matter is found

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in the records of the Chapter itself. Furthermore, the *Indultarii* observe that others dare to undermine the reasons presented by them, when it is clear that the same *Indultarii*, being only temporarily absent from the choir, lose only one-third of two points, or 18%. For it is known that the *Indultarii* dedicate four and a half hours daily to the duties of teaching, so that they cannot be present in the choir while the sacred offices are being performed. The other two [clergy] dedicate less time to teaching, but participate in the sacred offices only partially; and on the days when they are engaged in teaching, they incur a loss of six or seven points, while the entire day's service is divided into 13 points. Furthermore, in the week in which each one is obliged to attend the Conventual Mass, the canons reach the canonical requirement only once every three months, while, on the other hand, the losses occur daily. Therefore, the *Indultarii* argue that the portion of time they dedicate is perfectly sufficient to compensate for the inconveniences of the canons, as well as to provide for the alms for the Conventual Mass, as well as for the other offices. Indeed, the *Indultarii* state that they spend no less than 150 livres annually due to the lost distributions. The Conventual clergy, on the other hand, number almost thirty Masses for each canon annually, of which almost half are personally celebrated by the *Indultarii*, namely on the days when the schools are closed. Therefore, only 15 Masses remain to be celebrated by one [canon].

[*Latin ed. p. 230*]

230 Furthermore, from the decrees of the Council, it is also permitted to celebrate [Masses] in exchange for indulgences; or rather, since four indulgences are counted, 60 Masses are celebrated, of which each, together with the alms, amounts to 1.75 florins, along with the application and expenses, as affirmed by a recent decision of the Chapter; therefore, 105 florins are spent on their celebration. However, as the distribution tables of the Chapter itself show, from the year 1895 to the year 1899 (subtracting, of course, the annual 105 florins mentioned above, which the Chapter was supposed to spend for those 60 Masses), these Indultarii [canonically appointed clergy] show that they paid for the absence of these Masses, which the canons fully received: "In the year 1895, 401.75 florins net; in the year 1896, 430.85 florins net; in the year 1897, 512.70 florins net; in the year 1898, 382.02 florins net; in the year 1899, 216.28 florins net." It is not surprising, they say, that, as some canons affirm, the canon who taught Sacred Theology in the Seminary in the year 1899 only paid 13.41 florins, as if this were to be repeated, because in the year 1899, the Indultarii were granted the permission to use two months of vacation, according to the Anagnina constitution, just like the other canons. On the contrary, they observed that from the month of August of that same year 1899, the diocesan Seminary remained closed for the entire year, so that from that time on, the canons could not enjoy the indulgence. Moreover, they should

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not have omitted to mention that the same canon, the master, was present in the choir for 11 months and 13 days. Surely, the Indultarii canons would be worthy of praise if, during the time of vacation, while enjoying rest, they endeavored to be present in the choir? Finally, the Indultarii recall the decision of the Sacred Congregation in Segni on July 22, 1826, which is relevant to the matter. Indeed, both the Segni cathedral canon and the Anagnina cathedral Indultarii contribute one-third of their benefice while being present in the choir. If there is a difference in quantity, it should be noted that the former habitually was absent from the choir, and although the one-third that he left was greater, the greater burdens were borne by his colleagues. On the contrary, the one-third that the Anagnina Cathedral canons Indultarii leave is smaller, because these, with the indulgence for days and hours...

[*Latin ed. p. 231*]

ANAGNINA. 231. Let only those rejoice who, for almost six months, diligently perform their duties, and who, while present, receive their due. OBSERVATIONS FROM THE OFFICE. Finally, in my capacity, I will point out certain things concerning the proposed controversy, which must be considered from a twofold perspective: namely, first, from the standpoint of common law, and second, from the standpoint of the particular law of the Church of Anagni.

Regarding common law, the following should be noted in the first place. The Conventual Mass is included as part of the choral service that constitutes the Divine Office, and the Conventual Mass; as Benedict XIV teaches in *Inst.* 107 § 2, n. 11: "If the Sacrifice of the Mass is not celebrated during the canonical hours, it is nevertheless understood as part of the Divine Office, as is clear from the canon - *De iis test.* 12.° Furthermore, public services, that is, Vespers, Matins, or the Mass, may not be celebrated otherwise than in the principal church." Therefore, those who are exempt from choral service are also considered exempt from celebrating the Conventual Mass. Indeed, the Sacred Congregation of Rites, in the decree concerning the duties in Cagliari, dated September 19, 1831, decided that sick canons are not obliged to have another canon celebrate the Conventual Mass for them; to the proposed doubt: "Are sick canons obliged to have another canon celebrate the Conventual Mass and chant the Gospel for them?", the response was: Negative. And in the decree concerning celebrations and the application of the Conventual Mass in Siena, dated May 12, 1759, to the proposed doubt: "Is a canon who has completed his term of service obliged to celebrate or have another celebrate the Conventual Mass, and to apply it for the benefit of benefactors?", the response was: Negative.

However, by the benignity of common law, all of these, whether sick or having completed their term of service, receive the daily distributions just as if they were present. On the other hand, those who are granted

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permission by the Sacred Congregation of Rites, as mentioned above, are excused from being present, but for legitimate and certain reasons, they lose one-third of their distributions for each day and hour of absence.

However, according to the very intention of the Council of Trent, the alms of the Conventual Mass must be taken from the mass of distributions; for in chapter 3 of Session 21 concerning Reforms, it is commanded: "Those who are concerned with divine matters, so that in no way may the divine worship be diminished, but that all things may be done with due reverence."

[*Latin ed. p. 232*]

232 From the decrees of the Holy Council, it is determined that, through daily distributions, provision be made. However, Pope Benedict XIV, in his Constitution "Cum Semper Oblatas," § 18, cautions: "An exception was also made for the case where the Conventual Mass is not always celebrated by the canons and dignitaries, but sometimes also by beneficed and resident clergy, which seems less equitable for the celebration of the Mass, since it is unclear from where the alms are taken that are intended for its application. - Regarding this matter, it was also determined that it should be requested that these alms be taken from the mass of distributions." Furthermore, the constant and perpetual practice of the Sacred Congregation [of Rites] has always held, both before and after the aforementioned Constitution, that the alms for the application of the Conventual Mass should be taken from the mass of distributions; as is stated in the Minutes of the Sacred Congregation, concerning Masses, February 18, 1764, § 5, and in other documents cited in the Visitation of the Monasteries, SS. LL., December 6, 1845. - In the present matter, however, it seems that the decision of the Sacred Congregation in the case of the [Arch]diocese of Ferrara, March 18, 1719, should be given the greatest consideration, in which, regarding a proposed doubt, no. 7: "Whether the alms for Conventual Masses should be taken from the mass of distributions or from the revenues of the individual canons," the response was: "They should be taken from the mass of distributions." Therefore, a cleric who enjoys an indult [exemption] for certain days and hours, but who nevertheless has a third of the distributions withheld from him, cannot be compelled to have the Conventual Mass celebrated by another, since he leaves a suitable recompense for the application of the Conventual Mass in the distributions that he does retain. If the canons, who oppose such clerics, would reflect on this, they would not find it difficult to understand, nor would they see that the decision made by the Sacred Congregation in Segni, in a case very similar to our own, is contrary to the rules of law, because it was asked whether Bruno Milone, a canon of the Cathedral of Segni, who was appointed among the singers of the Papal Chapel and granted an indult by the Sacred Congregation on February 20, 1823, "to be absent from the choir during his duties, with

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the loss of [certain benefits]," should nevertheless have the Conventual and other Masses celebrated by another. This was contended by 7 canons, clinging to a memorable custom that they claimed...

[*Latin ed. p. 233*]

ANAGNINA 255, which has been religiously observed by the Chapter. – Regarding the formulas for consideration: "I. Is Canon Bruno obligated by another to sing additional and conventual Masses in this case?" And: "II. Does the right to receive emoluments for additional Masses in this case pertain to him?" The Sacred Congregation of Councils, on July 22, 1826, responded: "To I. Negatively, to II. Provided for in I." However, the opponents assert that the particular right of the Church of Anagnina, contained in chapters XII and XIII of the Capitular Constitutions, hinders the granting of indulgences to canons. For in chapter XII, it is expressly stated: "Those who are considered absent in the present number, and those who are considered present, are also to receive the daily distributions"; and in the subsequent chapter XIII, article I, it is decreed that such persons, being present, must attend the conventual Mass and other services through another.

Indeed, in order that Your Eminences and Reverend Fathers may correctly judge whether those considered "present" are included by the particular law of the Church of Anagnina, I have considered it necessary to bring to your attention the aforementioned chapter XII of the Capitular Constitutions. The question is whether this particular law prevails in this case over the common law.

Furthermore, the general rule is – a specific provision derogates from the general – according to rule 34 in 6; since the particular law derogates from the general, yet only in that in which the particular is opposed to the general.

In order to determine whether the particular law of the Church of Anagnina is opposed to the common law, it must be determined whether the canons receiving indulgences are mentioned by that particular law.

But in the letter of the law, not a single word is mentioned about canons receiving indulgences.

Nor do they appear to be included by the intention of this law; since, in chapters XII and XIII, it speaks of those who are considered "present" and who receive the daily distributions, while those who are clothed [in religious habit] do not receive these distributions. Therefore, if the particular law were intended to apply to canons receiving indulgences, they would be considered among those who are "present" and who receive the daily distributions.

Finally, it appears that canons receiving indulgences are not included in the law of Anagnina; for canons are not exempt from the service of the choir

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by force of the Constitutions, but by force of a privilege.

[*Latin ed. p. 234*]

234 FROM the decrees of the Pontifical Council. Therefore, according to Pontifical law, or common law, as explained previously, the rights and obligations of dispensations must be observed, as was done in the aforementioned Segni, notwithstanding an unforgettable contrary custom arising from particular law. After these considerations, the question was raised as to what should be answered in prayer. RESOLUTION. The Holy Sacred Council, after discussion on August 1, 1901, decided to respond: In this case, the parties are not obligated to perform the service of the altar by means of a substitute. PETROCORICENSE. DISPENSATION FROM MARRIAGE. On May 25, 1901. Session 24. Chapter 1. Concerning the reform of marriage. SUMMARY OF THE FACTS. Anthony, a farmer, and Mary, both residing in the diocese of Périgueux-Sarlat, were lawfully married to each other on May 21, 1896, when he was 24 years old and she was 21 years old. However, a most unfortunate event soon followed; the spouses were never able to consummate their marriage, due to a defect in the woman, who suffered from vaginismus. Shortly thereafter, Mary began to experience discomfort, which necessitated consulting a skilled physician, who reported that the woman suffered from such a defect that a complete surgical operation would be absolutely necessary to achieve consummation, which the physician himself, having considered the danger, did not deem advisable. Therefore, harmony between the spouses could scarcely be hoped for; and indeed, disagreements and disputes arose between them. Consequently, the woman, as her health was endangered by the futile attempts at consummation, after three months from the beginning of the marriage, bid farewell to her husband and appealed to the civil court, from which she obtained a judgment of bodily separation. The man also went to ju-

[*Latin ed. p. 235*]

PETROCORICENSE. Two hundred and thirty-five civil marriages took place, and after a medical examination of the woman's body, a judgment of divorce was rendered in her favor. Furthermore, the man sent a petition to the Holy See, requesting that his marriage, which he claimed was not consummated, be annulled. In truth, on April 30th of the previous year, the Ordinary of Petrocoricense received a decree instructing him to conduct a process regarding the alleged lack of consummation and the grounds for a dispensation, and at the same time, the same Ordinary was granted the power "to add to the ecclesiastical process the testimonies of doctors presented in the civil court, including, if possible, the same doctors, so that before the ecclesiastical tribunal, they may confirm their testimonies under oath, so that it may not be possible for the woman to submit herself to a new examination." Indeed, the Petrocoricense Curia, having constituted

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a tribunal, summoned the man and several witnesses, one of whom was called by order of the court. The woman herself, when summoned, refused to comply and undergo a physical examination; however, she confessed before her parents and a priest that she was incapable of the conjugal act. In the records, there is a certain testimony from a doctor who had previously examined the woman, and who testified in the civil court regarding the woman's impotence. However, as testified by the Petrocoricense Curia, the aforementioned doctor could not be brought to give sworn testimony before the ecclesiastical judge. The Bishop of Petrocoricense, transmitting the acts to the Holy See, stated among other things: "I. It seems that the petitioner is worthy of being granted a dispensation, since his marriage appears not to have been consummated, and he is considered by the parish priest and witnesses to be a simple farmer, but sincerely imbued with the Christian religion; moreover, since he is poor and of a flourishing age, he would greatly benefit from a new marriage, both in order to dedicate himself more easily to his work, and in order to provide for the salvation of his soul, avoiding incontinence; I also add that there is a danger that, if there is a delay, the wicked counsel of the ungodly, which has not been lacking, may finally lead him to resort to a mere civil union, which could easily happen since he has already obtained a divorce from the Civil Judges."

[*Latin ed. p. 236*]

236 FROM THE SACRED GENERAL COUNCIL: "2°. Everything in the process was conducted with great diligence and sincerity, and if anything fell short of the strict legal norm, it was because, since the plaintiff was entirely unable to cover any expenses, it was necessary for the tribunal to travel to the city of Sarlat, twenty leagues distant, to question the plaintiff and witnesses, and it was not possible to easily undertake the journey again, and therefore, it is requested that, as far as necessary, a correction of the proceedings be granted." Synoptic Discussion. On May 21, 1896, in the parish church of the city commonly called Sarlat, in the diocese of PÃ©rigueux et Sarlat, the marriage was celebrated between Anthony, then 24 years old, and Mary, then 21 years old, both originally from the same aforementioned diocese. From the very first night of marriage, the husband wished to exercise his conjugal right: but alas! scarcely having touched the woman, she exclaimed with the most bitter pain in her genitals, and declared herself unfit to complete the act. After two months had passed, during which the spouses were unable to consummate their marriage, the wife left the conjugal home, never returning to her husband. Shortly thereafter, she initiated a divorce case before a civil judge, and obtained a judgment confirming it. Now, the husband, wishing to arrange a new marriage, earnestly and urgently requests a dispensation from the Holy See regarding his first marriage, as if it were valid but not consummated. Therefore, according to the custom of the Sacred Congregation, the bishop of PÃ©rigueux et Sarlat

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conducted the process and transmitted the judicial records to Rome, which he himself observed to be somewhat deficient in accordance with the legal norm, and he urges that they be corrected, as far as necessary, because, due to difficulties and circumstances, greater diligence could not be applied in conducting a new process. Therefore, let us now inquire, after examining the records as they are, whether it is sufficiently clear regarding the lack of consummation, and regarding the reasons and causes for granting a dispensation. OPINION OF THE CANONIST.

[*Latin ed. p. 237*]

PETROCORICENSE. 257 Under the existing regulations, proof of the lack of consummation of a marriage is obtained from three sources: namely, from the sworn confession of the spouses; from the deposition of seven witnesses from each party; and from the examination of the bride's body. In the present case, since the wife refused to submit to an examination of her body, we have only the sworn confession of the husband, confirmed by his witnesses. Indeed, if we were to proceed with the strictest justice, it would be difficult, if not impossible, to proceed further. But we are dealing with a case of gracious dispensation, and in such cases, the obstinacy of one spouse cannot harm the other, nor, as Ursaya explicitly states, is the examination of the body absolutely required, but only as an auxiliary means. Indeed, Gonzales, Ledesma, Gutierrez, Clericatus, Cosci, and others teach that proofs that establish physical certainty are not required; but that "moral certainty is sufficient, which can persuade the mind of the judge, such as conjectures, judgments, presumptions, and other arguments to be considered together." Cosci, *De sep. Tori*, L. 3, c. 2, n. 140. Now, what the records show us is this. The Ordinary Bishop of Petrocoricense testified that "the petitioner appears worthy to have the dispensation granted to him, since the marriage appears not to have been consummated, and he is considered by the parish priest and witnesses to be a simple man, but sincerely imbued with the Christian religion." Therefore, the petitioner, when questioned before the ecclesiastical judge regarding the marriage, replied that he had been completely unable to consummate the marriage. The seven witnesses, as is required by law, testified under oath concerning the petitioner's credibility and their own opinion regarding the lack of consummation. With regard to the first point, all the witnesses testified in unison that Anthony is an honest man, religious, and worthy of all faith. This testimony seems to be of greater weight, because, in addition to the petitioner's brother, the other witnesses are not relatives, but neighbors.

[*Latin ed. p. 238*]

238. From the Sacred Council were present certain parish priests and a lord who treated a man named Anthony as a servant. Another witness is also quite certain that the marriage was never consummated, because

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the woman was found to be incapable of intercourse. "Public opinion is that she is ill-formed. I have heard women say so." Thus, the first witness. A third witness added: "Mary's mother told me that she had been in the same condition as her daughter at the beginning of her marriage, and that it lasted for nine months. She prevented her daughter from undergoing the operation, which the doctors declared necessary, because this operation was dangerous." The actor's brother testified as follows: "The woman was not opened, and for this reason, she could not consummate the act. It was not only painful; the conjugal act was impossible without the woman undergoing an operation." Finally, the parish priest of Saint Andrew's, commonly called Allas, when questioned as to why he did not bring his daughter to an expert who could examine her, the mother replied: "We showed her to two doctors, MM. Sarrazin and Pontoux. They declared that a surgical operation would be indispensable, but that this operation is dangerous and could lead to death. There is a mass of flesh that prevents any approach." Finally, we have the testimony of the woman herself, who admits that she is completely incapable of the conjugal act. R. "Mr. Dupeyroux, the priest, called as a witness by virtue of his office, testified before the judge that he had, on a special mandate, repeatedly tried to persuade Mary to appear; but the woman, even with the insistence of her parents, constantly replied: 'I will not go: they know very well how I am made. Antoine wants to remarry: let him marry!' " Thus far, the procedural acts; but from those that are extrajudicial, the mind of the highest judge is greatly..."

[*Latin ed. p. 239*]

PETROCORICENSE. We have said that there could be a very serious reason for this. Furthermore, among these, the civil judgment pronounced by the judge regarding the divorce, and the testimony of the expert physician who examined the woman, stand out. The civil judgment, omitting the rest, states as follows: "Considering that it has been established that the aforementioned Antoine, despite the intolerable suffering that sexual relations caused to his wife, and despite the material impossibility in which she found herself of performing the conjugal act, nevertheless, without any restraint, abused his rights as a husband, etc." The expert's testimony reads as follows: "I, the undersigned doctor of medicine in Sarlat, certify, to my soul and conscience, that the woman Mary... born Salviat, was examined by me, and it was made known to me that she was not defiled following her marriage to Antoine, that she suffers from a vulvar hyperesthesia so pronounced that any sexual relation is absolutely impossible for her. Under these conditions, I declare the woman Mary... in her current state, incapable of fulfilling her conjugal duties." All of these things, considered individually and together, appear to be of such a nature that they can create moral certainty regarding the lack of consummation in this case. We have now arrived at the causes and reasons that are legally necessary and sufficient

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to grant the requested dispensation. However, the authorities, especially canonists, are more inclined to consider: the probable suspension of the marriage due to impotence; the irremediable separation of the spouses; the eternal salvation of souls. Furthermore, that this is sufficiently probable, due to the woman's strictness and genital hyperesthesia, the infirmity of the marriage, is deduced from the above, since, according to the declaration of the experts, she could not be made fit, without a serious, or even mortal, danger. Regarding the separation of souls, after the civil...

[*Latin ed. p. 240*]

240 The judgment of the Holy General Council regarding divorce is such that, scarcely, or perhaps not at all, even with the consent of both spouses, the restoration of common life is possible; yet the woman, however, does not seem ever to consent, not forgetting the atrocious pains. Finally, the eternal salvation of the orator is most urgently at stake, as declared by the Bishop P of Petrocoricensis. "For although he is poor and, at a flourishing age, would derive great benefit from a new marriage, both in order to dedicate himself more easily to works, and in order that the salvation of his soul may be provided for, by avoiding incontinence, there is also the danger of delay, lest, spurred by the wicked designs of the impious, which have not been lacking, he resort to a mere civil union." Therefore, to the question: Whether it is safe for the Holy See to advise, to the extent that it may deign to grant a dispensation concerning the marriage, as in this case, which is considered valid but not consummated, I would answer: Affirmative. OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE, BY OFFICE. It is contended that in the year 1896, on the 2nd day of May, Anthony, already 24 years of age, entered into marriage with Mary, who was 21 years old, but that the marriage remained unconsummated due to the woman's impotence. The learned consultant, although he sees that the proceedings of the case are also somewhat deficient in accordance with the written law, nevertheless believes that they can be supplemented, and responds to the written form of the request: Affirmative. But the judicial investigation was so perfunctory that, unless I am mistaken, without new acts, we cannot be certain of the asserted lack of consummation of the marriage, nor of the necessary cause for granting a dispensation. Indeed, the lack of consummation of the marriage is no more certain than the defect with which Mary suffers in her genital organs: for in the records there is only an extrajudicial testimony of the doctor Sarrazin, which reads as follows: "I, the undersigned, Doctor in Medicine Sarlat (Andoque), certify, on my soul and conscience, that the woman Marie... was examined by me, and it was given to me to observe..."

[*Latin ed. p. 241*]

PF.TROCOrUCEN. 241 that she was not defiled following her marriage

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to Anthony; that she suffers from a vulvar hyperesthesia so pronounced that any sexual intercourse is absolutely impossible for her. Under these conditions, I declare the woman Mary... in her current state, incapable of fulfilling her conjugal duties. Furthermore, I declare that it would be absurd to leave a man united to her by the bond of marriage, a man whom vaginismus, of which we are speaking, prevents from pursuing the marital act. Every reasonable person sees how far it is that the aforementioned testimony can be held in any regard. Firstly, that testimony cannot be considered in a trial, since it was given outside the courtroom. Secondly, the doctor Sarrazin, at the bottom of his statement, mentions that he recorded a testimony concerning the uterus on April 19, 1900, but he is silent concerning the day, month, and consul under which he identified Mary. Finally, Sarrazin is a singular witness, and therefore, for this reason as well, he proves nothing. I said: a singular witness, because other witnesses, speaking about the defect with which Mary suffers, speak from hearsay; only Anthony speaks from his own knowledge; and besides being a witness in his own case, he vigorously disputes with the doctor Sarrazin. For, according to the expert Sarrazin, Mary's defect consisted of vaginismus, whereas, according to Anthony and the witnesses from hearsay, it consisted of "a mass of flesh that prevents any approach." Here I ask, why was the aforementioned doctor Sarrazin not brought to a judicial examination? Indeed, from the records it is shown that the doctor Pontoux, having been informed of the matter, also: the Most Reverend Bishop of Petrocoricen, in Uteris on April 24, 1900, mentions the testimonies presented by the doctors to the lay magistrate, and why are these records not included? The witnesses state that the defect with which Mary is afflicted is publicly known, and that Mary's own mother was freed from the same defect through a medical incision. Therefore, the neighbors, relatives, and close acquaintances, and especially Mary's mother, should have been brought to the examination, as witnesses informed about the matter, and indeed, as those who were seventh-hand. Records, Volume XXXIV, page 40.

[*Latin ed. p. 242*]

242 FROM THE FEW DECREES OF THE HOLY COUNCIL: It is established neither by the incompletion of the marriage nor by causes necessary for a dispensation. However, in the case of Anthony, he must demonstrate that Mary suffered from an impediment at the time of the marriage's initiation; this to prove the certain incompletion of the marriage; 2°. That said impediment is incurable; this to show the cause for a dispensation. Having considered these points, the question to be resolved is: Whether it is necessary to consult [with someone] regarding a dispensation from a marriage that is valid but not consummated in this case.

RESOLUTION. The Holy Council, having discussed the matter on May 25, 1901, decided to respond: Affirmative.

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FROM THE DECREES OF THE APOSTOLIC LEGATE OF PIUS. On June 22, 1901. Through summary petitions.

COMPENDIUM OF THE CASE. Carpofarus Caccavale, a canon, in the expression of his supreme will on December 7, 1875, bequeathed the estate of Caccavale to the spouses, with the obligation of ceding one hundred *canne* [units of land measurement] of said estate, so that the Sodality of the Blessed Virgin Mary might erect a further building in that area. The church, of which the testator speaks, belongs to the Sodality under the title of the Virgin Mary, conceived without sin, and today, the sodality humbly appeals to the Holy Congregation [of Rites] to vindicate the right that was acquired for it by the will, namely, the obtaining of one hundred *canne* of land in that territory, in order to erect a further building of the church in that area. But Aloysius Manfredi, the current possessor of the estate, who is the brother of Henry Manfredi, the parish priest of the place – Vico di Palmo, Compania, and formerly the spiritual father of the sodality, – objects.

[*Latin ed. p. 243*]

NOLA. 243. He states that he will not cede one hundred *canne*, but that the measure ceded will be only that necessary for the quantity of the building newly to be constructed. SYNOPTIC DISCUSSION. OBSERVATIONS FROM THE OFFICE. Firstly, the owner of the land justly points out that he will not cede the bequeathed property – as long as it is not clear to him that the condition to which the bequest is attached has been fulfilled. Indeed, the matter concerns a bequest subject to a condition, free from any doubt. For the testator ordered that a certain measure of land be ceded to the sodality, provided that it undertakes to contribute to the enlargement of the Church. Therefore, justly, the owner of the land refuses to give the requested quantity of land, unless he is certain of the serious and effective intention of the sodality, namely, to further the construction of the Church or the sacristy. On this matter, Reiffenstuel states in *De Testamentis*, number 685: "When something is bequeathed for a day or under a condition for the future, the ownership does not pass to the legatee until the determined day arrives and the condition is fulfilled." Common argument 1.3%. But if [it is] 3, C. Common [law] on legacies. The reason is "because before the arrival of the condition, it is not yet due; indeed, the condition not being fulfilled, it completely expires, according to what has been said; therefore, ownership does not pass to him, consequently, nor the fruits." In truth, the owner of the land has thus far legally received the fruits of the bequeathed property, and will continue to receive them until the day arrives to return the bequeathed property to the legatee. Furthermore, he argues that he does not owe one hundred *canne*, but only that measure of land suitable for the construction of the Church or the sacristy, as the testator stated – to be used for that purpose. Moreover, he adheres to the interpretation of the

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testator's will, who did not specify, but rather indicated, a certain measure, as if it were the ultimate limit to which his generosity extended. On the contrary, the sodality is favored by the expressed will of the testator; for if "contracts, by convention, are recognized as taking their law" (reg. 85 of law).

[*Latin ed. p. 244*]

244 From the Sacred Council of Trent, Session VI, the testator lays down a law, no less in the matter of appointing legatees, stating, "The testator has expressed what he willed; what he has not expressed is to be understood as not willed." Indeed, if we do not wish to quibble, the words "dovranno cedere gratuitamente antiche canne cento di detto territorio da servire a tale uso" clearly signify the testator's intention, without any limitation, and his generosity for a pious cause, neither more lavish nor less useful. Certainly, one hundred pipes, measuring an area of fifty square paces (in Italian, square meters), although not entirely serving the new organ, adorn the building in the remaining part, and, as it is a building dedicated to divine worship, remove it from profane uses, to which the external walls of temples are often added, not without great disgrace. Furthermore, as is noted, the owner of the land has the right to retain the fruits of the entire property until the thing subject to the legacy is not due; but, once the condition is verified, the legacy must be delivered to the legatee; but certainly, he has no right to deliver only the requested portion of land, especially considering that the buyer has recognized that such an entire portion of land is due to the legatee, and therefore has not paid a price corresponding to that portion of the land; but he who acts contrary to his own agreement acts deceitfully; this rule of Roman law is expressed in the Corpus Juris Civilis as follows: "A legitimate act should not be revoked, even if a case arises afterwards from which it could not have been initiated" (reg. 73 of the laws of the sixth book). - Moreover, if a society is under the authority of civil power, just as it was under the approval of the region previously, this does not prevent it from being, first and foremost, under the authority of the ecclesiastical power, as is evident from the aforementioned Sypontina and from the case of Baren, which was discussed in the Sacred Congregation of the Council last month. - Furthermore, this matter concerns the upholding of justice in the execution of pious legacies, and such causes are greatly favored, namely, to expedite them, while preserving, as far as possible, the rights of the pious cause. - The very civil authority, which has already approved and, in the name of the society, has exempted legacies, will not only grant the requests of the society, but will not allow it to receive only a portion of the disputed land.

[*Latin ed. p. 245*]

NOLA 245 Having considered these matters, the question was raised

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as to what should be said in response to prayers. RESOLUTION. The Sacred Congregation of Religious, after deliberation on June 22, 1901, decided to respond: "Considering the matters presented, the entire portion of the property designated by the testator is to be given to the confraternity."

• EX 3. NEW DECREES OF THE CONGREGATION FOR RITES FROM LAURETANA: Doubts regarding the joining of hymns, and concerning the doxology "Iesu, tibi sit gloria."

1. Once historical hymns have been joined together on a feast day, the hymn that is normally recited on other days of the Octave should no longer be joined with them.

2. The doxology "Iesu, tibi sit gloria" should be said at Vespers, even if it is to be recited alone, after the hymn has been said, to commemorate the office being performed.

LAURETANA. The current organizer of the liturgical calendar for the Basilica and diocese of Lauretana, with the consent of his Most Reverend Bishop, humbly proposed the following doubts to the Sacred Congregation for Rites for a suitable solution:

I. On the fourth day within the Octave, and on the eighth day of the Nativity of Saint John the Baptist, should the Vespers hymn, which is already recited in the text, be joined with the Matins hymn, under a single conclusion, as is done on a feast day, according to the General Rules, Title XX, number 3?

II. On the second Vespers of the feast of Saints Simon and Jude, Apostles, should the doxology "Iesu, tibi sit gloria" be said, if a commemoration of the votive Office of the Most Holy Eucharist, or of the Immaculate Conception of the Blessed Virgin Mary, is to be celebrated in those same Vespers? And the same Sacred Congregation, in response to the aforementioned request...

[*Latin ed. p. 246*]

246 From the Sacred Congregation of Rites, by the most devout vote of the Liturgical Commission, it was decided to respond as follows: To I. Negatively. To II. Affirmatively, according to the general rubrics of the Breviary, Title XX, number 4. And thus it was responded, on July 2, 1901. D. L. * CARD. FERRATA, Prefect. S. f D. PANICI, Archbishop of Laodicea, Secretary, COLIMEN, various doubts.

1. The sacristan, or acolyte, may not, by stretching or relaxing the cord, uncover or veil the Most Holy Sacrament exposed in the tabernacle.

2. The Most Holy Sacrament may not be exposed and veiled before Mass, and after the *Aperiamus*, as stated above, it must be shown and incensed.

3. The deacon, in a solemn Mass, must place the book of Gospels in the *medio* of the altar.

4. After the reception of the Precious Blood, the ablution must be taken

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immediately, even if some remains are left in the chalice.

5. The subdeacon, after the Epistle, must receive the blessing from the celebrant, kneeling before him in the *suppedeo*, from the side of the Epistle, with the altar on his right.

6. Even with the Sacrament exposed, the celebrant and ministers may approach the seat by the shorter way.

7. Unless there is a dispensation, after the Apostolic Constitution of the year 1898, the *Salve*, *Radix*, etc., may not be sung at Mass on every Sabbath, where the Confraternity of the Most Holy Rosary is present.

8. Outside of cases of necessity, it is not permitted to use instruments for anointing the sick, or for baptizing children.

9. It is left to the judgment of the Ordinary to sing the Second or First Hour of Vespers, in a special case.

10. The Altar of the Sepulcher must not be the main altar, and no ostensorium, etc., for ornamentation, must be placed upon it.

[*Latin ed. p. 247*]

FROM THE RITUALS, 247, 11. The acolyte may not approach the thurible during the elevation from the side of the Gospel. 12. When the choral office is not performed by a single person, several Masses with singing are not prohibited, concerning the same Saint or mystery.

COLIMEN. Reverend Father Joseph Amator Velasco, Vicar General of the Diocese of Colimen, humbly proposed the following questions to the Congregation of Sacred Rites:

I. In various churches of the Diocese of Colimen, from a time immemorial, a veil is extended in the tabernacle of exposition; and it is folded when the Blessed Sacrament is exposed, and unfolded when it is replaced, with a certain extension in the exposition, or a relaxation in the replacement: all of which is performed by the sacred ministers or acolytes. The question is: Can this practice continue?

II. Furthermore, it is customary, before the solemn Mass, after the sacred censers, to place the ostensorium with the Blessed Sacrament on the throne of exposition, over which a veil is spread to cover it, and then, even before the Mass begins, the priest incenses; and in this act of incense, the aforementioned veil is folded, as mentioned above, so that the exposition takes place without any singing. Is this usage justifiable?

III. The rubric says: "...the Diacon, carrying the book of Gospels, approaches the altar." Should these words be interpreted as referring to the middle of the altar?

IV. After the sacred consumption of the Blood, and during the ablution, certain consecrated particles of wine remain in the chalice. The question is: Should the chalice be rinsed, or should it be brought to the mouth of the celebrant again, so that the remaining particles of the Blood may be taken

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individually?

V. Where should the Subdeacon genuflect, so that the celebrant may bless him, after the reading of the Epistle, either between the celebrant and the altar, or rather, between the wall and the celebrant, on the floor?

VI. When the rubric states that the celebrant and ministers should proceed to sit down for a shorter time in a solemn Mass, is it permissible, in a Mass with the Most Holy Sacrament exposed, to remain longer and go to the seats?

[*Latin ed. p. 248*]

248 FROM THE SACRED RITUAL, SEVEN. In a certain church of this diocese, where a sodality of the Most Holy Rosary has been canonically established, the "Salve, radix sancta" Mass is sung every Saturday, specifically on the major Saturday of the week. The question is asked: Can this Mass be celebrated on all Saturdays, after the Apostolic Constitution "Ubi primum," published on October 6, 1898? VIII. Is it permissible to continue the custom of using an instrument to accompany the singing of hymns for the sick; similarly, for baptized children, even if there is no danger of contagion? IX. Is it permissible to sing Vespers at the second or first hour of the night, and to expose the Most Holy Sacrament during those Vespers, since the Ordinary permits the exposition during Vespers? X. Can it be tolerated that on the Feria of the fifth day of the week, the main altar of the church be used as the altar of the Sepulcher; and also to expose on the very altar of the Sepulcher, ostensoriums, chalices, and other ornamented vessels, for that reason? XI. When the Deacon assists the priest at the Epistle side during the elevation, is it permissible for the acolyte to incense the Most Holy Sacrament from the Gospel side? XII. When the cathedral church does not perform the choral office because it lacks a choir, can several Masses be sung on the same day and with the same office? And the Sacred Congregation, in response to the inquiry submitted by the undersigned Secretary, and after a thorough examination by the Liturgical Commission, considered it prudent to respond as follows: To question I and II: No. To question III: Yes, either in the middle of the altar. To question IV: The rubrics of the Missal must be observed. To question V: Yes, to the first part (1), No, to the second part. To question VI: The rubrics must be observed. To question VII: No, unless there is a dispensation. To question VIII: The Roman Ritual must be observed, and the decrees (1) must be followed. Therefore, the Subdeacon, after receiving the blessing from the celebrant after the Epistle, should kneel on the floor, not on the level floor, nor on the lower step in front of the celebrant himself, who turns slightly towards him, and before the altar itself, which remains to the right of the same Subdeacon. It should be noted that the words in the question presented between the altar and the celebrant should not be understood in a strict sense, as if the celebrant should withdraw to a place to assist

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the Subdeacon, but rather as if they meant within the angle formed by the celebrant and the altar.

[*Latin ed. p. 249*]

FROM S. C., number 3051, RITUUM 249, Portus Aloisii, May 9, 1857, concerning II (1), and 3276, number Toletana, August 31, 1872, concerning I, III, and IV (2). Regarding IX. By the prudent judgment of the Ordinary. Regarding X, Ad XII, and XI. Negative. Affirmative, according to Decree number 3921, of June 30, 1896 (3). And thus it was responded, on July 12, 1901. D. CARD. FERRATA, Prefect of the L. * S. D. PANICI, Archbishop of Laodicea, Secretary, ROMANA. A doubt concerning the office of St. Barnabas. Whether the feast is to be celebrated with a procession or with a solemnity, or whether the office is to be recited, concerning the feasts of St. Barnabas, or concerning the offices of Apostles, dignitaries, and others, all other things being equal, concerning the Prefest Sanctorum. (1) "II. Concerning the administration of the Sacrament of Extreme Unction, the book entitled: *Ordo administrandi Sacramenta ex Rituali Romano extractus, et iussu Episcoporum in Anglia adhibendus*, states: 'With a stylus or finger dipped in Holy Oil, etc.' Since there is not a unanimous opinion among theologians concerning the custom of using a stylus in this Holy Unction, and the theologians themselves conclude that each should follow the custom of his own Church; it is asked: Whether, in this diocese of Portus Aloisii, where the custom of using a stylus or a silver rod in the administration of Extreme Unction has prevailed, this custom itself can safely continue? Answer: Negative, except in cases of necessity." (2) "I. Given the common and ancient practice of using a brush or silver rod in administering the Sacrament of Baptism in the Church, in place of the thumb of the right hand, will this custom be abolished, since it is contrary to the Roman Ritual? Answer: Affirmative, except in cases of necessity, according to the Decree of the Sacred Congregation in Portus Aloisii, of May 9, 1857, concerning II." — "III. Can the custom of administering the Holy Sacrament of Extreme Unction, using a brush or silver rod, generally and outside of cases of necessity, in place of the thumb dipped in Holy Oil, according to the prescription in the Roman Ritual, continue? " — "IV. Is it permissible to maintain this practice outside of cases of necessity, at least when the Extreme Unction is administered without the presence of the people? Answer: Regarding III and IV: Provision is made in the first [response]." (3) "Several Masses dedicated to the same Saint or Mystery are prohibited in the same Church, those are the ones which, besides the Conventual Mass, are never omitted in Collegiate Churches, or which are recited in connection with the choral office, or which have some relation to it. Therefore, these Masses, whether requested by the living or established by endowment, are not prohibited, provided that they are recited either before or after the complete choral office, and without any connection with

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it."

[*Latin ed. p. 250*]

250 FROM THE SACRED RITUALS OF THE ROMAN CHURCH. In the order of reciting the Divine Office and performing the sacred rites for the year 1901, for the use of the Chapter and the Clergy of the Patriarchal Basilica of the Vatican, the feast of Saint Barnabas, Apostle, on May 11th, has complete Vespers, in conjunction with the feast of Saint Leo III, Pope. Because some doubt arose concerning the arrangement of these Vespers, certain calendarists humbly petitioned the Sacred Rites Congregation for a suitable declaration concerning the dignity of Saint Barnabas in the Sacred Liturgy (1).

(1) The entire reason for the difficulty lies in the quality of Saint Barnabas' apostleship. For the Apostles, established by Christ the Lord, are twelve in number, to whom was added, by divine vocation through Jesus Christ after His ascension, Saint Paul, who, along with Saint Peter, merited the primacy among the Apostles. Saint Barnabas, however, is never found to be equated with the twelve Apostles by the Fathers of the Church, nor by the Sacred Liturgy. Although it is written in the Acts of the Apostles (XX, 2), "Separate me Saul and Barnabas for the work to which I have called them," namely, among the Gentiles, as Paul says (Galatians, II, 9); nevertheless, among the true Apostles, such as Matthias and Paul, he is by no means numbered. Hence, Augustine (Exposition on Psalm 86) and Bede (On the Nativity of Saint Benedict), as is read in the Roman Breviary (Commentary on the Apostles for the 2nd and 3rd Nocturn), say that Paul obtained the thirteenth place among the Apostles; but no one has said that Barnabas obtained the fourteenth. Given these circumstances, it would seem that Saint Barnabas entirely lacks the quality of an Apostle in the strict sense; and therefore, he should have no right to precedence over other Saints, according to the order of feasts accepted by the Rubrics (Title XI, n. 2), namely: 1. Feasts of the Lord; 2. Blessed Virgin Mary; 3. Angels; 4. Saint John the Baptist; 5. Saint Joseph; 6. Apostles. But, on the contrary, the Holy Roman Church rightly recognized and decreed in its aforementioned decree that the excellence of Saint Barnabas should be attributed to him above other Saints. And indeed, the feasts of the Evangelists are not found in the aforementioned Rubrics, which establish the order of feasts according to personal dignity; nevertheless, in numerous decrees, such as those of September 4th and December 18th, 1773, the Holy Roman Church granted the same honors and privileges to the feasts of the Apostles and the Evangelists. Let no one say that these two decrees were repealed, and are therefore no longer valid, because the reason for their omission in the new collection is not that the Holy Roman Church now judges differently concerning the equality of rights of Apostles and Evangelists, but because, by a new and unique decree, No. 3808, concerning primary and secondary feasts, the

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same is established. Therefore, if the Evangelists are to be preferred to other Saints, although they are mentioned after Saint Barnabas in the Litanies of the Saints, so much more should Saint Barnabas be preferred, who holds a place in the Litanies, indeed the last, but truly among the Apostles, and before the Evangelists, sharing a similar privilege.

[*Latin ed. p. 251*]

From the Sacred Congregation of Rites, 251: And the Sacred Congregation, after considering the prayers presented, and with the prior vote of the Liturgical Commission, also specifically inquired of two of its Consultors, whose opinions, all written down and printed, together with the information, were submitted to the judgment of the Most Reverend Fathers. Therefore, the undersigned Cardinal, Prefect and Relator of the Sacred Congregation itself, in the Ordinary Consistory held on July 30th of the past year in the Vatican, proposed the following question for discussion: Whether the Feast and Office of Saint Barnabas, in cases of coincidence and concurrence with the Feasts and Offices of other Saints, and also in the case of substitutions, all other things being equal, should be given precedence? Furthermore, the Most Reverend and Right Reverend Fathers entrusted with safeguarding the sacred rites, after careful consideration of all matters, and especially of those things read from the Sacred Scriptures and from the liturgical books, both of the Eastern and Western Church, concerning Saint Barnabas, decided that the following should be written: Affirmative, because of his apostolic dignity. It is well known that, according to the Most Holy Pope Leo, the order of precedence of feasts should be determined by the order of invocation of the Saints in the Litanies; therefore... It should not be said that this argument is too weak, and therefore proves nothing, because the feasts of the Evangelists are of the second class, and the feast of Saint Barnabas is of the higher second class; therefore, the fact that Saint Barnabas is mentioned in the Litanies is of no consequence. The answer is clear; also, the feasts of Saint Lawrence and Saint Stephen enjoy the rank of the second class, and yet they are invoked among the martyrs, and their feasts do not enjoy any right of personal precedence. Therefore, the rank of feasts proves nothing against our assertion. Saint Barnabas is named in the Litanies among the Apostles, and therefore before the Evangelists; therefore, the Church considers him to possess apostolic dignity. Because he is not one of the twelve, and his feast is not of the higher second class, the Church commands that his feast be celebrated. Moreover, Saint Barnabas is not only found among the Apostles in the Litanies; but also in the very liturgical offices: from the time that the feast of Saint Barnabas began to be celebrated in the Church, his office has always been taken from the office of the Apostles, and the Creed has been added to the Mass, for no other reason than his apostleship. Indeed, the Sacred Congregation had already, long ago, issued a decree in which the feast of Saint Barnabas was

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given precedence over the feasts of other Saints in the case of substitutions. And if this decree is no longer found in the new edition, it is nothing; for the decree was not issued against this very precedence. And perhaps the Sacred Congregation omitted it so that the reason for it might be more evident, as it considered the question more closely. Therefore, the Sacred Congregation decided that the following should be the answer to the petition: The Feast of Saint Barnabas, and his Office, in cases of coincidence and concurrence with the Feasts and Offices of other Saints, and also in the case of substitutions, all other things being equal, should be given precedence because of his apostolic dignity.

[*Latin ed. p. 252*]

252 FROM THE SACRED CONGREGATION, decree XIII concerning the following matter, the Holy See has heard and approved, on August 11, 1901.

D. CARD. FERRATA, Prefect.

D. PANICI, Archbishop of Laodicea, Secretary.

VICENTINA.

Various doubts.

1. Can the custom be maintained whereby the priest, vested in the surplice and stole, blesses the people from the altar?

2. If, after a Mass for the Dead, Matins is recited, must the absolutions be performed after the Mass?

3. After the absolution, must the Psalm *De profundis* and the accompanying verses and prayer be recited in the sacristy, upon returning from the cemetery?

4. Can the custom of using incense in the evening funeral services be maintained?

5. On the Feria of the Sixth Day, on the Eve of the Passion, may the celebrant uncover the wood or relics of the Holy Cross, or the image of the Crucifix, and should he do so?

6. After the Mass of the Precious Blood, must the ornaments of the altar of the sepulcher be removed?

7. The words "Dominus vobiscum" are to be omitted before the prayers which are said after the Litany of the Blessed Virgin Mary, whether or not the Sacrament is exposed: likewise, after the hymns of the Saints, according to the Roman Ritual.

VICENTINA.

The present Master of Ceremonies of the diocese of Vicenza, with the consent of his Bishop, humbly requests a solution from the Sacred Congregation regarding the following doubts:

I. Can the custom be maintained whereby the priest, vested in the surplice and stole, after the Litany and the prayers recited at the altar, ascends

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the steps of the altar and blesses the people, forming the sign of the cross with his hand, with these words: "Benedictionem Dei omnipotentis, etc.," as is done after Communion is given to the faithful outside of Mass?

II. Are the absolutions for the deceased to be performed immediately after Matins, if, according to the rite, the Mass for the Dead is preferably recited rather than sung?

III. Must the Psalm *De profundis* with its verses and the prayer after the absolution, which are recited for the deceased, be performed in the sacristy, or in the choir near the altar?

[*Latin ed. p. 253*]

FROM THE SACRED RITUALS 253, I ASK:

I. Corpses are usually carried out of the city before evening. Prayers for the deceased are recited in the church before they are consigned to the earth. Is it permissible to proceed thus concerning the funeral, as is done when the funeral and the Mass are performed together?

II. On the sixth feria, and on the Friday before Easter, after the prayers, should the celebrant uncover the wood or relics of the Holy Cross, or the image of the Crucifix?

III. Should the ornaments of the altar be removed after the Mass of the Precious Blood, in which the Most Holy Sacrament was reserved on the preceding fifth day?

IV. The custom prevails here of saying "Dominus vobiscum" before the prayers, with which the Litany of the Blessed Virgin Mary or a hymn in honor of the saints are concluded, before the Most Holy Sacrament is publicly exposed; and since this is not done immediately, but after the singing of "Tantum ergo" and the prayer "Deus, qui nobis," can such a custom be maintained?

And the Sacred Congregation, having considered the matter with the vote of the Liturgical Commission, decided to respond as follows:

I. Considering the custom, it is permissible, according to decree number 2745, Verona, August 27, 1836, paragraph 4.

II. It is not necessary to do so after the Mass for the Dead, whether it is sung or recited.

III. The Roman Ritual should be observed.

IV. If the custom exists, it can be maintained.

V. Either can be done, and either is permissible.

VI. It is permissible.

VII. It is to be observed according to the decrees, especially number 1265, Granada, June 16, 1663, paragraph 7; number 1548, Salerno, September 28, 1675, and number 3751, Bobigny, November 20, 1891 (1).

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And thus it was written.

On August 20, 1901.

D. CARD. FERRATA, Prefect of the Sacred Congregation.

D. PANICI, Archbishop of Laodicea, Secretary.

(1) Decree 1265.

VII. On the feast of Corpus Christi, when the Most Holy Sacrament is reposed, should the ceremonial disposition of the Bishops regarding the prayers be observed, or rather, should the words of the Roman Ritual be added: "Dominus vobiscum"?

R. To question 7: The ceremonial disposition of the Bishops, I, 2, chapter 33, verse, should be observed. For in this, no mention is made of the verse "Dominus vobiscum," but it is ordered only after the "Panem" etc., and b) that all singing of the prayer be omitted. And thus it is observed in the City of [Rome], and this should be observed by all, whatever others may assert to the contrary.

[*Latin ed. p. 254*]

254 FROM THE SACRED CONGREGATION OF RITES. Doubts concerning anniversaries, etc. 1. Regarding what Mass should be said by a Bishop on the anniversary of a deceased Bishop or Canon, and how many prayers should be recited. 2. Regarding the celebration of the octave of a feast of the Blessed Virgin Mary, when it coincides with another movable feast of the same Blessed Virgin Mary of greater rank.

In Utinen, the Most Reverend Cathedral Chapter, Lord Philip, with the consent of his Reverend Canon, the Archbishop, humbly presented the following doubts to the Sacred Congregation of Rites for a suitable solution:

I. On the anniversary of Bishops and Canons, celebrated annually in Cathedrals according to the prescribed Ceremonial of Bishops, Book 2, Chapter 37, within the octave of the dead, which Mass, from those noted for the dead in the Missal, should be said, and how many prayers should be recited in it?

II. If the octave of a feast of the Blessed Virgin Mary coincides with another movable feast of the same Blessed Virgin Mary of greater rank, should the Decree of 1548, repeated with almost the same words, be observed?

In Decree 3751, the following is asked: "I. Should the phrases 'f. Ora pro nobis, etc.' be said before the Prayer after the Litany, and should 'f. Domine exaudi et Dominus vobiscum' be said? And II, if the affirmative, and if such a practice is universal, can the Bishop order that only 'f. Ora pro nobis, etc.' be said, if these phrases are added in some parish?"

III. Is it to be considered a general rule that the verses 'Domine, exaudi, etc.' and 'Dominus vobiscum' should precede the Prayer, only in those cases in which the Roman Ritual prescribes them?

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To these three questions, the Sacred Congregation responded: "The Roman Ritual must be observed."

It should be noted that in the most recent typical edition of the Roman Ritual, in the cited passage, the phrase 'Dominus vobiscum' was removed, and therefore it agrees with the Ceremonial of Bishops.

The two previous Decrees refer to the verse 'Dominus vobiscum' immediately before the Prayer of the Blessed Sacrament, and before the blessing; and the case concerned only the feast of the Body of Christ; the third Decree, however, in the two previous requests, presupposes the Blessed Sacrament to be exposed, but refers to prayers to be said after the Litany and other prayers, before the Hymn of the Blessed Sacrament. In all these cases, the Sacred Congregation prohibits the saying of 'Dominus vobiscum.'

But in response to the third request of the last Decree, it is always to be maintained that the Roman Ritual must be followed.

Therefore, although in request 7 of the Decree mentioned above, reference is made to the Sacrament being exposed in Vicenza, nevertheless, the response is general, and encompasses all cases.

[*Latin ed. p. 255*]

S. C. 255. Concerning the octave, should the movable feast occur on the day of the octave, or should the octave be transferred, and, in either case, should nothing of the octave be observed, as the special rubrics prescribe in the case of the feast of the Most Holy Name of Mary coinciding with the octave of her Nativity? And the Sacred Congregation of Rites, after hearing the opinion of the Liturgical Commission, decided to respond as follows:

I. In the anniversary of bishops, the Mass shall be celebrated on the designated day, with a single proper prayer, according to the decrees of March 5, 1870, n. 3920, and June 30, 1896, n. 3213.

II. Affirmative to the first part, negative to the second. And thus it was written, on August 20, 1901.

D. CARD. FERRATA, Prefect.

S. D. PANICI, Archbishop of Laodicea, Secretary.

(1) These are the words of Decree 2040: "It is sufficiently explained in the rubrics of the Roman Missal, at the end of the fourth Mass for the dead. But what does the rubric say there? Only this, namely, that the Epistle and Gospel of one Mass can be said, and likewise in the others, for the dead. For in the four Masses for the dead, apart from the prayers, there is nothing that is specially suited to the circumstances in which they are celebrated, and, apart from the prayers, the Epistles and Gospels are all common; indeed, the very Epistle and Gospel of one Mass may be best suited to the other; the special prayers being retained, any of them can be said whenever it happens to be necessary to celebrate for the dead. Therefore, for the anniversary of canons, one Mass may be chosen at will over the other, which,

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moreover, is in accordance with Decree 2417, in one Order of Discalced Carmelites of the province of Poland, at 8, which states: 'One or the other Mass (of the four assigned in the Missal for the dead) may be said at the burial of the body or at the anniversary for a deceased priest, provided that the prayer: 'O God, who among the apostolic priests...' is used (January 29, 1752).'"

But it can be objected that Decree 3213, at V, establishes that, in the anniversary of canons and others, except for the anniversary of a bishop, the Mass should be celebrated as in the anniversary of the dead, and not as in the daily Masses. But this provision of the Decree refers rather to the order of the Masses as they stand in the Missal, so as to seem to exclude the reason for a daily Mass, which is not the case for an anniversary: and it is by no means contrary to the provision of the rubrics at the end of the fourth Mass. Therefore, except for the Masses for Supreme Pontiffs and for Bishops, for whom the first Mass is prescribed, for the others, the third Mass is regularly celebrated, or, if desired, any other, apart from the prayer, which will be respectively proper.

[*Latin ed. p. 256*]

25G FROM THE HOLY CONGREGATION OF THE SACRED ROMAN AND UNIVERSAL INQUISITION: A Doubt Regarding the Use of Wine for the Mass.

Most Blessed Father, the Archbishop of Grado, prostrate at the feet of Your Holiness, humbly explains: In our regions, it is exceedingly difficult to procure true and genuine wine for the Holy Sacrifice of the Mass. For we must rely on foreign and unknown merchants, who sometimes have already defrauded us with counterfeit goods. Now, for some time, a certain man in the very city of Grado has begun to prepare wine from the dregs of our region. But, since this dreg is a very sugary substance, and consequently the wine derived from it does not contain much alcohol, some remedy is needed to raise the wine to that degree of alcohol content which is necessary for its proper preservation. To this end, the aforementioned praised man proposes to use the method of evaporation of the dreg to prepare wine for the Holy Sacrifice, in such a way that the liquor extracted from the dregs, after being reduced by half, produces a wine which has 14 or 16 degrees of alcohol.

However, in order to remove all doubt in this important matter, the Archbishop, the Orator, humbly requests that it be declared: Whether it is permissible to use wine of this kind for offering in the Holy Sacrifice of the Mass.

On Thursday, May 22, 1901, in the General Congregation of the Sacred Roman and Universal Inquisition, attended by the Most Eminent and Reverend Cardinals, General Inquisitors, after considering the aforementioned doubt, and with the vote of the Reverend Consultors taken into account, the

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same Most Eminent and Reverend Fathers decreed:

"Let the Decree of August 5, 1896, be given, which reads: 'Whether it is permissible to use wine obtained from the must, which, before alcoholic fermentation, has been condensed by fire, for the celebration of the Holy Mass?' — Reply: It is permissible, provided that such a process does not exclude alcoholic fermentation, and that natural fermentation can and does actually occur.'

Subsequently, on Saturday, May 24, 1901, during the customary audience of His Holiness Pope Leo XIII, Divine Providence, Pontiff, the Holy Father approved the resolution of the Fathers.

I. CAN. MANCINI, Secretary of the Sacred Roman and Universal Inquisition.

[*Latin ed. p. 257*]

257 LETTERS of the Most Holy Pope Leo XIII – Concerning the Establishment of a Seminary for Clergy in Athens. Ancient Greece, the cradle of civilization and the mother of all arts, after so many events and changes of fortune, has not ceased to hold a place in the memory and admiration of men; indeed, there is no one so uncultured who is not moved by its great glory. For us, the memory of Greece is not only joined with admiration, but also with genuine affection, and that affection is ancient. From our youth, we have been accustomed to admire the Attic literature and, above all, that true pursuit of knowledge in which the greatest philosophers of antiquity flourished, so much so that it seems that human reason, with the help of nature, has been able to progress no further. How much we value Greek wisdom is sufficiently demonstrated by the diligent and multifaceted care with which we have striven to restore and celebrate the philosophy of the Angelic Doctor during this pontificate. But if those who follow the teachings and discipline of great men certainly deserve honor, we believe that Aristotle himself would judge that we have done him no injustice in the honor we have bestowed upon the Blessed Thomas Aquinas, who, among the many and great disciples of Aristotle, is undoubtedly the most outstanding. – And if we speak of Christian matters, we have never ceased to recognize the value of Greek learning: in the ceremonies and rites of religion, which the Greeks, carefully preserving the customs of their ancestors, guard with such reverence, we have always been accustomed to admire the ancient form and the joined variety of majesty. Since it seemed fitting and expedient, we have restored the ancient Greek traditions of the Urban College for students, now called the College of Saint Athanasius, to its original form. And in a similar manner, we believe that the Fathers and Doctors of the Greek Church, who have brought forth so many and great benefits for God's people, deserve all our reverence, which we have always shown them from our youth. What is the reason that it seemed fitting, at the very beginning of our pontificate, to place Saint Cyril and Saint Methodius

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in a higher light and in a greater degree of honor? We wished, guided by piety, that the virtues and deeds of both should become more widely known from east to west, so that those who have deserved the Catholic name throughout the world might be honored by all Catholics in Agout. – But let it not be thought that our predecessors...

[*Latin ed. p. 258*]

258 The Letters of the Fathers greatly delight the memory, by which the Greek character was enriched. We are indeed deeply moved by them, and we reflect with wisdom on how the Christian commonwealth, amidst adversities and hardships, as in those times, has progressed and flourished; how bravely great men, such as Anacletus, Telesphorus, and Hyginus, after glorious labors, have passed away as martyrs. Although, as we truthfully confess, it rarely happens that Greek-born Pontiffs are remembered, yet we earnestly seek to discover something of great value that has been lost to the calamity of later ages; we say that the ancient bond, which united Greeks and Latins in a salutary connection, contained within itself the very foundations upon which the great men, who gave rise to such figures as Socrates and Plato, were established; these Pontiffs were the greatest. Much good and the communion of many would have remained, if concord had remained. However, it is not fitting to respond to the memories of the past with mere sentiment, but rather it is necessary to be aroused to salutary vigilance and fruitful labors. You, venerable brothers, continue diligently to perform the episcopal office, as you do; strive to ensure that those who are subject to your sacred authority may daily perceive and understand what the Catholic profession requires of them, and may learn from your example to join due charity to the homeland with faith, with holy love, and with study. As for us, we will strive, with all our effort and diligence, to defend, preserve, and strengthen the Catholic cause among you. With this spirit and purpose, because we understand that much support for morals, for civil discipline, and for the honor of the Catholic name is placed in the cultivation of minds and in the arts of education, we have already attempted to contribute something to the education of young people, by founding, some years ago, an Athenian Lyceum, in which young men, both Catholic and otherwise, would strive to excel in literature, and especially in the language, which Homer and Demosthenes so brilliantly employed, and which has so much light. In the same way, your common Letters, dated September 9th, suggest that we should consider introducing something similar there, with regard to the education of young clerics. You have our concurring opinion: namely, we consider it useful and opportune that this Athenian center of learning, which we have mentioned, should also be open to students of the sacred disciplines, so that they may there cultivate

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a more refined humanity, and not, before theology or philosophy.

[*Latin ed. p. 259*]

LITTERAE 259: They should strive to acquire, through sermons and writings, a deep understanding of the letters and traditions of their homeland within the very city. Through this, they will better defend the dignity of their order and will be able to serve more effectively in the sacred ministry. Therefore, we have gladly decided, within the aforementioned Lyceum buildings, to establish, as it seems best to you, a seminary for young clerics of the Latin rite, of Greek origin, and also for other Eastern Greeks who speak the Greek language. We will describe the entire rationale and operation of this institution in a separate letter. Furthermore, considering the sentiments of the aforementioned prelates, both those above us and those who are our equals, you will find that they have been equally eager to ensure that no duty, which might seem beneficial to your nation, is overlooked, nor is any power left unutilized. Thus, history testifies that Pope Pius V, through the magnificent triumph achieved at the islands of Echinades, sought this result, not only to protect Italy, but also to liberate all of Greece. Indeed, the Holy Father labored for the welfare of the Greek people and the salvation of their nation. Although some may have been born with a certain predisposition, this great and charitable plan was nonetheless essential and prevented a great evil from occurring. Moreover, in more recent times, when your fathers sought to defend their rightful claim and reclaim their dominion, how readily did the Roman cities offer refuge to those fleeing under duress! And how generously did Pope Pius VII act, who not only ordered the expulsion of the foreign tyrant from the borders of his principality, but also strove, in every way possible, to provide assistance and support. These matters are mentioned here not for any other reason than to demonstrate that, from this very custom of benevolence, the true nature of the Roman pontificate and its genuine intentions can be discerned. Given the opinions that have been expressed, and considering how, in times of grievous suffering, a certain harshness sometimes prevails, may truth gradually prevail with the help of God? It is easily apparent, to those who judge with fairness and integrity, that there is nothing to fear for the Eastern nations in restoring concord with the Roman Church: nothing of their dignity, their name, or all their ornaments will be lost to Greece; rather, there will be an even greater increase in support and glory. What is lacking for a flourishing republic that was absent in the age of Constantine? What do the times of Athanasius or Chrysostom truly desire? In what times was the power of the Holy Pontiff so revered by all?

[*Latin ed. p. 260*]

260 LETTERS were sent to him, and also to the true successor of the

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blessed Peter, and, which follows, to the governor of the Christian republic, to whom both East and West were obedient, both feeling and declaring with their minds. Meanwhile, we, as we can and ought, will continue to commend your entire people to the common Savior, Jesus Christ, not in vain, as we trust, under the protection of the Virgin Mary, whom the Greeks are accustomed to honor with special worship, and whom we always call by the most beautiful and most true name, holy. As a token of the divine benefits and of Our benevolence, We impart the apostolic blessing to you, venerable brothers, to your clergy and to your people, in the Lord, with all Our paternal love. Given in Rome, at Saint Peter's, on the twentieth day of November in the year 1901, in the twenty-fourth year of Our pontificate. LEO XIII. FROM THE CONSISTORY ACTS Concerning the Consistory held on December 16, 1901. ADDRESS OF HIS HOLINESS, POPE LEO XIII. Venerable brothers, It is pleasing to us to speak to you, but we are compelled, almost forced, to impart to you in these times, harsh realities, the cause of which occupies Us in constant concern during this final period of Our life. For the Catholic cause does not cease to be disturbed, and there are many reasons for this, and they are not light matters. It is not Our intention to examine each one individually; but there is one particular matter that stands out before Us, a distinction between faith and morals, an internal and domestic one, which must not, under any circumstances, grow in silence before Us. And so, among the Italian people, already burdened with so many injustices, may the sanctity of marriage not be undermined, for which civil storms are raging.

[*Latin ed. p. 261*]

FROM THE CONSISTORIAL ACTS 261, up to this day, have they brought forth? If any authority belongs to old age, if there is any weight in the apostolic voice, if anything at all is of value in the paternal will for the common good, then we, those whose deliberation concerns the matter of divorces, not only warn, but plainly implore, through whatever is most dear and sacred to them, that they cease their undertaking. Let them consider seriously and not refuse to acknowledge that the marital bond among Christians is, by divine law, holy, indivisible, and perpetual; and that this right cannot be abrogated, nor can it ever be altered by any human law. To wish that Christian marriages be subject to those things which are contracted, dissolved, and regulated by civil law is a great and pernicious error. For the human Redeemer and Restorer of nature, Jesus Christ, the Son of God, restored marriage to its ancient dignity and reason, which was established from the beginning by God Himself; and He exempted it from the genus of common affairs, from the power of civil authority, and even from ecclesiastical authority. Those things which concern marriage belong to the genus of civil affairs, and the power of the republic determines them; but to proceed further, by God's will, is forbidden. Therefore, every law

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which seeks to permit divorce commands against what is right, and creates an open injury to the Creator and the lawgiver of God; and therefore, it can only pertain to an adulterous pact, but not to a just marriage. It increases the guilt that the continuance of divorce within a certain time is made so difficult, as to be like trying to extinguish a fiercely burning flame of lust. — It is wrongly sought from foreign examples, in a matter which is undoubtedly nefarious: does the multitude of those who commit a sin diminish or excuse the sin of any one? And even more, wherever the law has never received the faculty of divorce, but has vehemently opposed it, and resisted its authority, the Church has always been the guardian and defender of divine law. And let no one hope that those who hold office today will be less mindful of their duty than those who have held it before. They will not connive in any way, nor will they acquiesce, nor will they tolerate with indifference the injury done to God and to themselves. — The most terrible source of injury is included in the ancients: and it is most clearly seen by those very men who do not fully approve of the Catholic institutions, or do not approve of them at all, who most keenly discern who are led by concern for the public good, and who strive with wisdom and zeal for the perpetuity of marriages. Truly, once this is established, that it is permissible to dissolve the marital bond, the constant and stable nature of marriage is overturned by law.

[*Latin ed. p. 262*]

262 FROM THE CONSISTORY ACTS, these inclinations are deduced, which We ourselves have previously noted, weakening both mutual love, providing pernicious incentives for infidelity, endangering the education and upbringing of children, fostering discord among families, utterly disturbing entire households, and leading to the utter degradation of the condition of women. For it is true that both the prosperity of domestic society and the wealth of empires flourish with good morals, but are ruined by corruption; therefore, it is easy to understand how calamitous divorces are, since they are the beginning of a change in the morals of the people, leading to boundless license. Aware of these dangers, it is clearly understood how deeply We are concerned, especially because our nation has been worthy of so great a calamity, since a very large part of its morals and institutions diligently and faithfully serve the divine purpose, following the example of our fathers and ancestors. Nevertheless, there is hope that their intentions will ultimately be better. Although they may be occupied by the fervor of political studies, they do not have closed ears to the ancestral religion; nor do they entirely lack the judgment of what is right and the prudence necessary to carry out these matters, which nature has instilled in the minds of the Italians. Joined with Us in prayer, venerable brothers, implore the Almighty God, that He may deign to grant His grace to this people, so richly adorned with benefits and graces, in this difficult time.

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The Most Holy Father, having heard the aforementioned matters concerning the Churches, and after a discourse, appointed the titular Episcopal Church of Erythrea, under the Archbishop of Ephesus, which is vacant, due to the promotion of the Reverend Father Victor Van den Branden to the titular Archiepiscopal Church of Tyre, with the favor of the Reverend Father Francis Zorn of Bulach, a priest of the Argentinensis diocese. He appointed the titular Episcopal Church of Cadare, under the Archbishop of Caesarea, which is vacant, due to the promotion of the Reverend Father Nicholas Joseph Camilli to the titular Archiepiscopal Church of Tomita, with the favor of the Reverend Father Wenceslaus Frind, a priest of the diocese of Litomerice. He appointed the titular Archiepiscopal Church of Ptomaida, which is vacant, due to the promotion of the Reverend Father Lawrence Passerini, Vice-Chamberlain of the Holy Roman Church, to the Patriarchal Church of Antioch, of the Latin rite, with the favor of the Reverend Father Aloysius Canali, of the Order of Minor Friars, a priest of the diocese of Parma. He appointed the Cathedral Church of Peace, in the Bolivian territory of South America, which is vacant, due to the death of the late Reverend Father John Joseph Baldi, the last Bishop who died outside the Roman Curia, with the favor of the Reverend Father Nicholas Armentia, of the Order of Minor Friars, a priest of the diocese of Vitoria.

[*Latin ed. p. 263*]

FROM THE CONSISTORY ACTS 265: The Cathedral Church of Belemen, in the Brazilian Republic, is vacant, due to the translation of the Reverend Father Anthony Emmanuel de Castilho Brandao to the Cathedral See of Alagoas, with the favor of the Reverend Father Francis do Rego Maia, Bishop of Petropolis, to the aforementioned Belemen Church, by Apostolic letters in the form of a Brief, expedited by the BENEDICTINE SANCTITY. The titular Episcopal Church of Samien, under the Archbishop of Rhodes, is vacant, due to the translation of the Reverend Father Charles Anthony Niedzialkowski to the united Cathedral Sees of Luceorien and Zytomirien, with the favor of the Reverend Father Thomas Jacob Conaty, a priest of the diocese of Campifontis. The Cathedral Church of the Holy Spirit, in the Brazilian Republic, is vacant, due to the translation of the Reverend Father John Baptist Correa Nery to the Cathedral See of Pouso Alegre, with the favor of the Reverend Ferdinand de Souza Monteiro, and the Congregation for Missionaries, a priest of the same diocese of the Holy Spirit. The titular Episcopal Church of Argiven, under the Archbishop of Corinth, is vacant, due to the translation of the Reverend Father Anthony Valbonesi to the united Cathedral Churches of Urbanien and Saint Angel in Vado, with the favor of the Reverend Father Anthony Montinho, Prelate of Mozambique. The Cathedral Church of Meten is vacant, due to the death of the late Father Francis Louis Fleck, the last Bishop of that diocese outside the Roman Curia, with the favor of the Reverend Villibrord Benzler, of the Order of

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Saint Benedict, a priest of the diocese of Paderborn. The titular Episcopal Church of Gaze is vacant, due to the promotion of the Reverend Father Paul Sellinosi to the titular Archbishopric of Marcianopolitan, with the favor of the Reverend Alphons Archi, a priest of Faventina. The Metropolitan Church of Caesaraugusta is vacant, due to the death of the late and illustrious Father Anthony Mary, while he lived, the Most Reverend and Eminent Cardinal Cascajares and Azara, the last Archbishop of that diocese outside the Roman Curia, with the favor of the Reverend Father John Soldevila and Romero, Bishop of Tarazona, to the aforementioned Caesaraugusta Church, by the BENEDICTINE SANCTITY. The Cathedral Church of Novara is vacant, due to the promotion of the Reverend Father Edward Pulciano to the Metropolitan See of Genoa, with the favor of the Reverend Father Matthias Vicario, Bishop of Saluzzo. The titular Episcopal Church of Europe is vacant, due to the translation of the Reverend Father Caietan Quattrocchi to the Cathedral See of Mazara del Vallo, with the favor of the Reverend Father Wolfgang Radnai, a priest of the diocese of Magno-Varadin. The Metropolitan Church of Genoa is vacant, due to the death of the late Father Thomas Reggio, the last Archbishop of that diocese outside the Roman Curia, with the favor of the Reverend Father Edward Pulciano, Bishop of Novara. The Cathedral Church of Alba-Regale is vacant, due to the death of the late Father Philip Steiner, the last Bishop of that diocese outside the Roman Curia, with the favor of the Reverend Father Julius Városy, a priest of the archdiocese of Colocensis. The Cathedral Church of Sabaria is vacant, due to the death of the late Father Cornelius Hidasy, the last Bishop of that diocese outside the Roman Curia, with the favor of the Reverend Father William István, titular Bishop of Domitiopolis. The Cathedral Church of Cortona is vacant, due to the translation of the Reverend Father Guy Corbelli to the titular Archbishopric of Heliopolis, with the favor of the Reverend Father Michael Angel Baldetti, a priest of the archdiocese of Perugia.

[*Latin ed. p. 264*]

264 FROM THE CONSISTORY ACTS: The Cathedral Church of Angolan and its dependencies is vacant, due to the resignation freely and spontaneously offered by the Reverend Father Anthony Dias Ferreira, which was accepted by the HOLY SEE, with the favor of the Reverend Father Anthony Joseph Gomer Cardoso, titular Bishop of Arethusa and Prelate of Mozambique. The titular Episcopal Church of Bagen, under the Sardian Archbishop, is vacant, due to the death of the Most Reverend Father Francis Fogolla, the last Bishop of that see, who died outside the Roman Curia, with the favor of the Reverend Father Joachim Silvera de Souza, a priest of the diocese of Mariana, who is promoted by the HOLY SEE through Apostolic Letters in the form of a Brief to the same Church of Bagen, as Coadjutor with future succession, the Reverend Father John Anthony dos

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Santos, Bishop of Adamantina in the Brazilian Republic. The Church of Alagoas in the Brazilian Republic, which was elevated to the status of a Cathedral by a decree of the Sacred Congregation of the Consistory beginning with the words "In these latter times" on July 2, 1900, and which had been vacant since its original erection, is now held by the Reverend Father Anthony Emmanuel de Castilho Brandao, Bishop of Belem of Para. The Metropolitan Church of Jadren is vacant, due to the death of the Most Reverend Gregory Raicevic, the last Archbishop, who died outside the Roman Curia. The status of the Church, as well as the qualifications of the Reverend Father Matthew Dvornik, a priest of Spalato, are established by Apostolic Letters in the form of a Brief to the same Metropolitan See of Jadren, with the favor of the HOLY SEE, in accordance with the nomination of His Imperial and Royal Majesty Francis Joseph I, Emperor of Austria, King of Bohemia and Hungary, also King of Dalmatia, by virtue of an Apostolic Indult. The titular Archiepiscopal Church of Naupacten is vacant, due to the assignment of the title of Saint Marcellus to the Most Reverend and Venerable Lord Casimir, a Cardinal Priest, to the Reverend Father Blasius Pisani, titular Bishop of Caesarea in Mauritania. The titular Archiepiscopal Church of Troaden, under the Archbishop of Cyzicus, is vacant, due to the succession of the Reverend Father Julius Mauritius Abbet to the Cathedral See of Sedun, with the favor of the Reverend Father Raphael Virili, a priest of Rome. The Cathedral Church of Bugellen is vacant, due to the death of the Most Reverend Father Dominic Cumino, the last Bishop of that see, who died outside the Roman Curia, with the favor of the Reverend Father Joseph Gamba, a priest of the diocese of Asti. The Metropolitan Church of Leopoli of the Armenian Catholic Rite is vacant, due to the death of the Most Reverend Father Isaac Isakowicz, the last Archbishop, who died outside the Roman Curia, with the favor of the Reverend Father Joseph Teodorowicz, a priest of the archdiocese of Lviv of the Armenian Rite. The Cathedral Church of Raab is vacant, due to the death of the Most Reverend Father John Zalka, the last Bishop of that see, who died outside the Roman Curia, with the favor of the Reverend Father Nicholas and his companions Széchényi, a priest of the same diocese of Raab, in accordance with the nomination of His Imperial and Royal Majesty Francis Joseph I, Emperor of Austria, King of Bohemia and Hungary, the Apostolic King. The Cathedral Church of Liège is vacant, due to the death of the Most Reverend Father Victor Joseph Doutreloux, the last Bishop of that see, who died outside the Roman Curia, with the favor of the Reverend Father Martin Hubert Rutten, a priest of the diocese of Liège, for his promotion. The Cathedral Church of Reggio is vacant, due to the death of the Most Reverend Father Vincent Manicardi, the last Bishop of that see, who died outside the Roman Curia, with the favor of the Reverend Father Angel Arthur Marchi, a priest of the

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archdiocese of Bologna.

[*Latin ed. p. 265*]

FROM THE CONSISTORY ACTS 265: The Cathedral Church of Matritensem-Complutensem is vacant, due to the promotion of Reverend Father Joseph Mary Cos and Macho to the Metropolitan See of Vallisoletanam, with the favor of Reverend Father Victorian Guisasola and Menendez, Bishop of Giennensis. The Cathedral Church of Giennensis is vacant, due to the translation of Reverend Father Victorian Guisasola and Menendez to the Cathedral See of Matritensem-Complutensem, with the favor of Reverend Father Salvatore Castellote and Pinazo, Bishop of Minoricensis. The Cathedral Church of Salutiarum is vacant, due to the translation of Reverend Father Matthias Vicario to the Cathedral See of Novariensem, with the favor of Reverend Father John Oberti, of the Order of the Clerics Regular Poor of the Schools of the Blessed Virgin Mary, a priest of the diocese of Aquensis. The Metropolitan Church of Guadalaxara in the Republic of Mexicana is vacant, due to the death of the Most Reverend Hyacinth Lopez, the last Archbishop, who died outside the Roman Curia, with the favor of Reverend Father Joseph of Jesus Ortiz, Bishop of Chihuahuensis. The titular Episcopal Church of Eleutheropolitan, under the Archbishop of Caesariensi, is vacant, due to the promotion of Reverend Father Boleslaus Jerome Klopotowski to the united Cathedral Sees of Luceoriensem and Zytomiriensem, with the favor of Reverend Father Francis Borgia Krasl, a priest of the archdiocese of Pragensis. The titular Episcopal Church of Pharsalen is vacant, due to the death of the Most Reverend Nicholas Contieri, the last Archbishop, who died outside the Roman Curia, with the favor of Reverend Father Alexander Bavona, a priest of the archdiocese of Aquilanae. The titular Archiepiscopal Church of Pompeiopolitan is vacant, due to the death of the Most Reverend Peter Strobino, the last Archbishop, who died outside the Roman Curia, with the favor of Reverend Father Francis d'Albore, Bishop of Monopolitani. The Church of Manizales in the Republic of Columbiana, by Decree of the Sacred Congregation of the Consistory beginning "Apostolicae Sedi" on April 11, 1900, has been raised to the status of a Cathedral and is already vacant from its original erection, with the favor of Reverend Father Gregory Nazianzeni Hoyos, a priest of the diocese of Medellensis. The titular Archiepiscopal Church of Heliopolitan is vacant, due to the death of the Most Reverend Augustine Accoramboni, the last Archbishop, who died near the Roman Curia, with the favor of Reverend Father Guidon Corbelli, Archbishop and Bishop Emeritus of Cortonensis. The titular Episcopal Church of Cybistren, under the Archbishop of Tyanaeo, is vacant, due to the promotion of Reverend Father John Katschthaler to the Metropolitan See of Salisburgen, with the favor of Reverend Father Edward Herrmann, a priest of the diocese of Varmiensis.

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The Cathedral Church of Tulancingo in the Republic of Mexicana is vacant, due to the voluntary resignation of Reverend Father Maximiano Reynoso and del Coral, which was freely and spontaneously carried out by the aforementioned HOLY SEE and accepted by the same; with the favor of Reverend Father Joseph Mora, Bishop of Tehuantepecensis. The Church of Pouso Alegre in the Republic of Brasiliana, by Decree of the Sacred Congregation of the Consistory beginning "Regio latissime patens" on August 4, 1900, has been raised to the status of a Cathedral and is already vacant from its original erection, with the favor of Reverend Father John Baptist Correa Nery, Bishop of the Church of Spiritus Sancti. The Cathedral Church of Tirasonen is vacant, due to the promotion of Reverend Father John Soldevila and Romero to the Metropolitan See of Caesaraugustanam, with the favor of Reverend Father Joseph Mary Salvador and Barrera, a priest of the archdiocese of Granatensis.

[*Latin ed. p. 266*]

266 FROM THE HOLY CONCILIARY COLLEGE, the titular archiepiscopal church of Gortyna is certainly vacant, by the favor of the Most Reverend Donati Sbarretti, Bishop of Saint Christopher of Havana. The titular episcopal church of Hermopolis, under the Archbishop of Antinoë, is vacant, due to the translation of the Reverend Robert Brindle to the cathedral church of Nottingham, by the favor of the Reverend John Benlloch and Vivo, priests of Valencia. FROM THE HOLY CONGREGATION OF THE COUNCIL, in GENOA, on July 20, 1901. By summary of prayers. John Thomas Invrea, who recently passed away, left in his will, in the year 1650, goods with which the church of Genoa would be built under the title of "Saint Mary of Remedy," to which priests would minister, with the condition that these priests would celebrate Mass daily in it for the soul of the testator and his family; with the right of patronage reserved to the heirs of the founder. The built church was, on July 15, 1796, by Papal letters, raised to the rank of Collegiate Church, with twelve Canons, four Mansionaries, and eight chaplains attached to it, who were to recite the divine office in it, and to participate in unions and processions, "and also to celebrate Mass in said church for the soul of the founder, according to his intention, daily, and to apply it daily." But today, with the exception of the Abbot, there are only eight Canons and nine other priests, namely, no Mansionaries and no chaplains. On April 8, 1797, by legitimate authority, the obligation of Masses was reduced; therefore, the Abbot and the Canons are obligated to celebrate one Mass, and the remaining priests are obligated to celebrate only two Masses per week. Then, in the year 1855, a similar reduction...

COMPENDIUM OF FACTS.

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[*Latin ed. p. 267*]

On January 26th, permission was granted to priests, who had celebrated and applied only one Mass per week henceforth, and in accordance with the wishes of the founder, and also in the same year, a two-month vacation from the obligation of celebrating in the church of Saint Mary was granted to all, provided that always three-quarters of the canons and priests remained in service, with the remainder observing the decree of April 8th, 1797, that is to say: with the obligation of celebrating Mass in the aforementioned collegiate church remaining firm for ten months. Furthermore, it must be noted that the College also bears the obligation of the conventual Mass, as well as the Mass for the people on feast days, provided that the collegiate church has parochial jurisdiction over the individual priests of the church, as well as over the clerics and other people dedicated to the service of the church. In the year 1898, the civil authorities, in order to widen the roads of the city of Ivrea, ordered the demolition of the church of Saint Mary of Remedies. However, the patrons, who had claimed the benefices of the collegiate church from the treasury, commonly known as "affrancatori," promised to build a new church, and the Archbishop of Ivrea reported on December 7th, 1900, that "the patrons had only just begun laying the foundations four months ago." Until the church was completely built, the Archbishop decided to transfer the collegiate church from Saint Mary of Remedies to the parochial church dedicated to Saints Andrew the Apostle and Ambrose, expressly stating, "that all the functions of the collegiate church, with their respective offices and obligations, must be celebrated and fulfilled in this church during this temporary period." However, some of the canons, at least, believed that they were not obligated to fulfill the same obligations in the parochial church as they had fulfilled in their own church. However, the Abbot of the collegiate church, James Poggi, and also the parish priest of Saints Andrew the Apostle and Ambrose, vehemently maintained that the canons and priests of the collegiate church were obligated to fulfill the same obligations in the parochial church, and that they did fulfill them in their own church.

[*Latin ed. p. 268*]

268 FROM THE SACRED CONGREGATION, the canonical authorities refuse to celebrate daily Masses in the church of Saints Andrew and Ambrose, claiming that they are only obligated to celebrate Masses in the church of "Our Lady of Remedy," which no longer exists. The Bishop, questioned by the Abbot of the Collegiate Church, and also by the parish priest of the church of Saints Andrew and Ambrose, refused to resolve the dispute, referring all parties to the Sacred Congregation. Abbot James Poggi, relating the history of the Collegiate Church, continues: "Since the church of Our Lady of Remedy has been demolished, the Collegiate Church was transferred to the church of Saint Ambrose by decree of

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the Most Reverend Archbishop, dated April 30, 1898, with the following wording: 'Article 1. The provisional administration of the Chapter of Our Lady of Remedy is temporarily transferred to the parish church of Saint Ambrose in this city. 'Article 2. All functions of the Collegiate Church, with their respective offices and duties, must be celebrated and performed in said church during this time.' Since some Canons do not fulfill the obligation of celebrating Mass in Saint Ambrose, especially on feast days, despite being urged by the Most Reverend Archbishop, and publicly claim that they are not obligated and have been dispensed by the aforementioned Patrons, the undersigned Abbot, as head of the Collegiate Church, petitions Your Eminence, Most Reverend Father, that with the authority of this venerable Congregation, you may declare that the obligation of celebrating daily Mass must be fulfilled in the church of Saint Ambrose, where all the functions of the Collegiate Church are held, as was done in the demolished church of Our Lady of Remedy; and that the current Patrons cannot dispense from an obligation established by a will, by a papal bull, and by the aforementioned decrees." To all of this, the Canons object: "1. The obligation of celebrating daily Mass was imposed by the founding bull for the church of Our Lady of Remedy, for the purpose that it might be suitably served;

[*Latin ed. p. 269*]

IANUEN. 269: "Now that the church of Our Lady of Remedies has been demolished, it is not seen why this obligation should be said to be transferred to another church, which is separate from the Collegiate Church."

"2. The church of Saint Ambrose is a parish church and is sufficiently provided with means and revenues. Therefore, providing for the spiritual service of the same does not belong to the Collegiate Church, which is temporarily housed there, but to the parish priest and his administrators."

"3. If, in these present abnormal circumstances of the two entities, the Parish and the Collegiate Church, the obligation of daily celebration in the parish church were to be imposed on the canons, they would become as many chaplains of the parish, which, having dismissed its salaried priests, would benefit from all the advantages, while imposing on the canons, who never receive any emolument from the parish, all the burdens."

"4. The Most Reverend Archbishop, when consulted on this matter, did not wish to define this question."

"5. The aforementioned Patrons, who carried out the separation of the Collegiate Church from the Government, when questioned on this matter, replied that they do not believe that the canons are bound by this."

"6. The aforementioned canons then point out to the Most Reverend that, from the actions carried out by those interested in the parish, they would be subjected to celebrating at a fixed day and hour, a servitude which is much

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more burdensome than that which bound them according to the founding bull and the centuries-old custom when they were in their own church."

"7. Finally, the fact that a real advantage has been derived to the parish from the presence of the Collegiate Church in Saint Ambrose is proven by the fact that some chaplains who celebrated there with their corresponding salary were dispensed from this service; and if some advantage is derived to the canons from not celebrating there continuously, this would never be adequate to that which they received from the offerings they perceived in their own church, of which they are entirely deprived in their temporary location."

[*Latin ed. p. 270*]

270. In response to the observations of the Sacred Congregation concerning the Canons who claim to receive no benefit from the parish, the Abbot replies: "If there has been any diminution due to the demolition of the church, the financial situation of the Chapter was improved by other, more significant revenues; namely: 1. by a distribution of 180 florins that the church of Saint Ambrose leaves to the Chapter, for the support of sung Masses with music." "2. By approximately 400 florins that the Chapter previously spent on sermons, which are now divided among the Canons without any expense being borne by the church of Saints Andrew and Ambrose." The Bishop, referring the observations of both parties to the Sacred Congregation, continues on December 7, 1900: "The petitioner requested the opinion of the Patrons; therefore, considering all the circumstances, he announced to the Collegiate Church that he did not deem it appropriate to decide on the obligation in question, but, at the same time, considering that it is not equitable that the church of Saints Andrew and Ambrose should have only burdens and no benefits from the presence of the Collegiate Church, he urged the Canons to agree and arrange matters in such a way that half of them should always celebrate, especially on feast days, in the aforementioned church. But shortly thereafter, the Abbot reported and complained to the petitioner that his indecision and exhortation had had the effect of persuading all the Canons, and even the chaplains, that they were not obliged to celebrate daily in the church of Saints Andrew and Ambrose, so that now their absences are much more frequent than before." "Given these circumstances, the Archbishop believes it prudent to refrain from giving any measures or commands regarding this matter, and instead to implore a decision from the Sacred Congregation on this matter, as the only effective means of extinguishing long and painful controversies; that is, to define whether, in the case presented, the aforementioned Canons, Mansionaries, and Chaplains are obliged to celebrate each for ten months

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of the year."

[*Latin ed. p. 271*]

JANUARY 27. In Naila, in the church of the Saints Andrew and Ambrose, until their collegiate church has its own church, or to give such dispositions and orders as the Holy Congregation shall deem most suitable.

Disputatio Synoptica. OBSERVATIONS FROM THE OFFICE. For the resolution of this question, it must be kept in mind the prescription of the Council of Trent, in Session 22, chapter 7, expressed as follows: "Moreover, it must also be carefully considered that those things which are dedicated to the sacred ministry may not, through the ravages of time, become obsolete and fall from human memory; therefore, Bishops, as delegates of the Apostolic See, may transfer simple benefices, even those of patronage, from churches which have collapsed through age or other causes, and which, because of their poverty, cannot be restored, to mother churches or other churches of the same place or neighborhood, at their discretion; and in those churches they may erect altars or chapels under the same invocations; or they may transfer altars or chapels already erected, together with all the former endowments or burdens imposed on those churches. Parochial churches, even if they are benefices of patronage, should be restored and rebuilt, if they have collapsed, from the fruits and revenues of any kind whatsoever pertaining to those same churches. But if all are suffering from extreme poverty, they should be transferred to mother churches or neighboring churches, with the faculty to convert both the said parochial and other ruined churches to profane, but not sordid, uses, provided that a cross is erected there."

However, the canons object, arguing that the transfer ordered by the Archbishop is not the one of which the Council of Trent warns, namely, an absolute transfer, but rather it is only a matter of a temporary transfer, so that the church to which the benefices are transferred is not a proper church, but an alien one. Therefore, the canons believe that they are not bound to fulfill obligations in a church that is not their own.

[*Latin ed. p. 272*]

272 From the Sacred Congregation: But it is objected that the Sacred Congregation has always recognized this power of Bishops as extraordinary, namely, delegated by the Apostolic See, and therefore that they should proceed to the necessary alteration in the name and authority of the Holy See. Therefore, after the translation has been made, the church becomes that in which the translation was made; wherefore, the Sacred Congregation decided that the Bishop is not bound to report the transferred benefices to the new churches, newly constructed, when the same Bishop judges that greater satisfaction can be given to divine worship in the church where the transferred benefices are found. Indeed, in Iesi, in the Translatio Ecclesiae

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parish, on December 4, 1709, regarding the doubtful proposition "Whether a Bishop is bound to remove the parish from the church of Saint Sebastian, the patron of the community, and to restore it to the ancient church of Saint James," the Sacred Congregation responded "No." However, the translation is made with all its emoluments and burdens. Therefore, in Cremona, in the Translatio, the Sacred Congregation decided in point III: "That they can be compelled by the Bishop to celebrate, or to have celebrated, on the day of the feast of that Saint, under whose invocation the benefice was established, unless otherwise is stated in the erection or foundation." Also, in Arimino, in the Demolitionis et translationis, on February 10, 1788, § Very; and in Balneoregio, in the Translationis, on July 20, 1805, § Translationes. With these observations, the question was raised as to what answer should be given in such cases. RESOLUTION. The Sacred Congregation, after deliberation on July 19, 1901, decided to respond: By the translation of the Collegiate church, the burdens also have been transferred, and they are to be fulfilled by the Canons in the church of Saints Andrew and Ambrose.

[*Latin ed. p. 273*]

275 MARSEILLES. MATTER OF MARRIAGE DISPENSATION. On September 7, 1901, Session 24, Chapter 5, Concerning Marriages. In the year 1899, on April 11th, Franc, thirty-three years of age, and Theodora, who was then over twenty-three years of age, were lawfully joined in marriage in the Church of Saint Vincent of Paul. On the very day that the marriage began, the spouses, according to custom, embarked on a pleasure trip and journeyed to Paris. Soon after, they visited several cities in France, and after approximately two months, they returned to their homeland. Then, the husband went to the parents of his bride in Le Conquet, and declared that the marriage had not been consummated due to the invincible reluctance of his wife, who had always refused to grant him the marital rights due to her husband. It is said that Theodora secretly desired a certain married man, to whom she promised that she would give herself to no one but him. Indeed, if the accounts are true, the audacity of this scandalous man went so far that, when the newlyweds returned from their journey to Marseilles, he immediately sent a diamond ring to the bride as a sign of mutual fidelity, which Theodora gladly accepted and wore on her hand. With this, conjugal life became utterly impossible; therefore, Theodora, on the very day that the marital journey was concluded, bid farewell to her husband, and, not intending to return, went to her own home. – This unfortunate man, in order to regain his freedom, sent a petition to the Most Holy Father requesting the dissolution of the marriage, which had not been consummated due to the resistance of his wife. The Court of Marseilles, commending these prayers, also noted the following: "1. The marriage of Mr. Franc and Miss Theodora was purely a marriage of arrangement, decided upon by their families, and not

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a marriage of mutual affection and inclination; COMPENDIUM OF THE FACTS. o Acts, Volume XXXIV, page C DI. 18.

[*Latin ed. p. 274*]

274 FROM THE DECREES OF THE COUNCIL "2°. Besides the extreme and excessive reserve shown by the young woman before the marriage, it has been manifestly observed by those present that the young bride displayed only coldness, and even an offensive disdain, towards her husband throughout the family gathering and reception that followed the ceremony on the day of the celebration of the union." Furthermore, it has come to the knowledge of the Episcopal Curia, through a source entirely worthy of belief and completely disinterested, that the stubborn and inflexible resistance of the lady Theodora is due to a culpable relationship, prior to the marriage, and that the aforementioned lady had made a commitment not to give herself to anyone other than her lover, which serious witnesses are presently able to attest to, both orally and in writing." According to custom, prayers were presented to the Massiliensis Curia, which, having established a tribunal, received the sworn testimony of the couple, and summoned witnesses for examination, as well as some by order. The woman was summoned for an examination of her physical condition, which, in truth, was not carried out due to her refusal. Having concluded all of this, the Massiliensis Judge, transmitting the proceedings, also deemed it necessary to state: "The witnesses, questioned with great care, are all worthy of belief and appear to have brought the utmost sincerity to their testimonies." Synopsis of the Argument. The advocate who undertook to defend the rights of the plaintiff began his argument, stating that the non-consummation of the marriage can be proven on three grounds: namely, from the sworn testimony of the parties, from the testimony, which they call "seventh hand," and from the examination of the woman. However, when the woman declared before the judge: "I do not consent to undergo the medical examination," it was said that the physical proof in this case became impossible. Indeed, this physical proof was not expressly or conclusively... DEFENSE OF THE HUSBAND.

[*Latin ed. p. 275*]

MARSEILLE. While 275 years have passed, the matter still requires consideration, as Ursaya (Disputations Ecclesiastical, Vol. 3, Disp. 21, No. 39) teaches, saying: "In Chapter Laudabilem, concerning chastity and its defects, for the purpose of proving virginity, it is not prescribed that the seventh relative must necessarily be present and that an examination be made by midwives, but rather it is explicitly stated that the confession of the spouses alone is sufficient, with the seventh relative present." This is also in agreement with Coscius de Separatoribus, Book 3, Chapter 2, No. 126; Clericatus de Sacram. Matrimonii, Decision 13, No. 39; Cardinal De Luca de Sacr.

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Matrimonii, Discourse 7, No. 7; and many others. The defender states that this doctrine of the canonists is based on the very Chapter Laudabilem, in which Celestine III states: "But if both declare that they have never known each other, in the presence of the seventh relative or neighbors of good reputation, and if relatives are absent, each, by oath, shall declare that they have never been united in carnal copulation, and then it seems that the woman is capable of entering into a second marriage." And rightly, according to the proponent, the examination of virginity has been adopted as an auxiliary means of proof, and not as a definitive proof, especially in the case of widows and those who have been corrupted by someone other than their husband, as is strongly presumed in such cases, so that this remedy would not be denied to them, since they cannot prove through the appearance of their bodies that the marriage has not been consummated, as Sánchez rightly points out (De Matrim, Book 7, Disp. 108, No. 6). Therefore, some decisions of the Sacred Congregation of the Council are cited, in which the sole or almost sole argument for the lack of consummation was the sworn testimony of one of the spouses, which does not exceed moral certainty. This is the case in Frisingen, in the year 1817; Gandaven, in the year 1820; in Paris, on June 26, 1858; in Augustodunum, on July 15, 1893; in Lucca, on April 21, 1877; in Praesmilien, on June 13, 1896; and in many others, in which this Sacred Congregation has attributed so much weight to the sworn deposition of only one of the spouses that, setting aside other proofs, it has deemed it necessary to grant a dispensation. With these things stated, we now turn to the merits of the question.

[*Latin ed. p. 276*]

276. From the testimony of the Sacred Council, the non-consummation of the marriage is primarily proven by the sworn testimony of the spouses. For the husband, questioned by the judge: "Regarding the ninth question of your previous interrogation, you answered and affirmed that during the wedding journey, that is, for two and a half months, it was impossible for you to consummate your marriage with Mrs. Theodora; at most, you say, there were unsuccessful attempts. Do you persist in your previous declaration?" - He responds: "I persist in this declaration. First, on the night spent at Mr. Theodora's (the second night after the marriage), I was, in truth, not absolutely rejected from my first request; but it was nevertheless impossible for me to bring about the union of the organs in such a way that sexual intercourse would occur. Secondly, in Le Havre, at my brother's house, something similar also occurred, but without any result in terms of the physical union of the organs, my wife opposing my advances with a force of inertia, and maintaining a position such that it was impossible for me to reach her for consummation. She has always had, during our cohabitation, a passive resistance, insurmountable and invincible. She refused, in fact, not only in words." When asked about the cause, he said: "Today,

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I believe I know the true cause. A friend of Theodora's family, residing in Limoges, Mr. Jean, married and father of two children, did not hesitate to inspire a mad passion in my fiancée, in a spa town, where he had met her about two years before the marriage. Were there any culpable relations between them? It is possible and probable. In any case, they maintained an improper correspondence, both before and after my engagement. The one who has enlightened me most on this point is the Reverend Father Albéric, a Capuchin. This Father has clarified to me the most demonstrative facts of my wife's misconduct even before our marriage, citing Mr. and Mrs. Bardy, currently residing at Aix, 66, Cours Sextins, the...

[*Latin ed. p. 277*]

MARSEILLE. 277, qui depuis longtemps entretiennent des relations avec la famille N. (Madame Bardy ayant été couturière chez Monsieur N.), et qui m'ont ajouté que ces personnes savent et lui ont dit que Mademoiselle N. avait conçu une passion folle pour Monsieur Jean, et qu'elle était en correspondance avec lui, une correspondance suivie de près, bien avant que nous ne soyons fiancés, et qu'au cours même des fiançailles, elle a dit à Madame Bardy qu'elle n'appartiendrait jamais à celui qu'elle devait épouser. Le témoignage, sous serment, du moins en substance, concorde avec le témoignage de la femme, qui a été interrogée par le juge : « Est-il vrai qu'à Marseille, après la célébration du mariage et pendant tout le voyage de noces, vous n'avez jamais eu aucune relation conjugale avec Monsieur Franc ? » Elle a répondu : « Non, aucune. » De nouveau interrogée : « Pour quelles raisons avez-vous constamment repoussé les demandes de Monsieur Franc ? » Elle a répondu : « Parce que Monsieur Franc m'a maltraitée dès le premier soir, et toujours par la suite. » Le défenseur affirme que cela est à l'avantage des époux si, dans l'assignation de la cause, ils ne sont pas d'accord quant à la consommation du mariage, car la divergence des époux sur des questions accessoires démontre clairement qu'il n'y a eu aucune collusion entre eux ; et par conséquent, le témoignage de chaque époux concernant l'inconsommation du mariage doit être encore davantage pris en considération, comme l'a dit, à propos de notre affaire, le Cardinal Cossi, *De separ. tor. coniug.*, livre 3, chapitre 2, n. 134 : « Surtout si, loin de toute fraude et collusion, ils (les époux) nient la consommation. » Le témoignage des époux est corroboré par le défenseur par le témoignage solennel des deux témoins, qui non seulement ont prêté serment de dire la vérité, mais qui témoignent également, et c'est ce qui est plus important, qu'ils ont appris, à un moment non suspect, que le mariage n'avait pas été consommé. - En vérité, le père de la femme, recevant les époux chez lui après leur retour du voyage de noces, a immédiatement entendu le mari se plaindre du droit conjugal qui lui était constamment refusé par sa femme : « Monsieur Franc s'est plaint à moi des refus constants de ma fille à lui accorder l'accomplissement de ses devoirs conjugaux. Je l'attribue

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aux mauvais procédés,

[*Latin ed. p. 278*]

278. From the testimony of the Council, and from the lively and authoritative words of Monsieur Franc from the very first evening of the marriage. Furthermore, when Mr. and Mrs. Franc, the father and mother of Mr. Franc, informed my daughter and myself of this refusal, Mrs. Theodora did not protest, which leads me to understand that the consummation of the marriage never actually took place between my daughter and her husband. The mother of the plaintiff testified: "Upon the return of the spouses from their journey, after receiving them at the station and noting the distraught state of the young woman and the extreme sadness of my son, I accompanied them by car to the father of the bride, where I left them, reminding them to be punctual for the dinner that was to take place at noon at my home. Before the time of the meal, I saw my son arrive alone, who, overcome with the greatest sorrow, recounted to me everything that had happened during the journey; not only had she never allowed him to fulfill his conjugal duties, but she had refused him any sign of affection, repelling and scratching him when he tried to show her some affection... I attribute this to her improper affection for Mr. [Theodora's father]." The father of the plaintiff, Andreas, testified, affirming that, after the nuptial journey, he learned from his own son that the marriage had not been consummated: "Approximately two months. My son told me, the day after the celebration, when his mother and I saw him again, that he had never been able to consummate the marriage. Whether it was at Mr. [Theodora's father], the first night of the wedding, where my son, seeing the state of agitation in which his wife was, was forced to lie down on a chair, without being able to get into the bed prepared for the spouses, or at Mr. André, the father of Theodora, where the spouses spent the second night, the consummation did not take place." The same is reported by the plaintiff's brother. Furthermore, the testimony of Father Alberic D'Oraissy, of the Order of the Minor Capuchins, is presented, who testified that, after the separation of the spouses, Franc had told him that he had never been able to induce his wife to consummate the marriage, and that he was glad of it.

[*Latin ed. p. 279*]

MARSEILLE. 279 He believed what he had learned from those who were well-informed about the matter and were worthy of trust. Indeed, his words were: "Mr. Franc told me very emphatically that he had never been able, despite all his efforts, to consummate the marriage. These assertions are all the more worthy of belief, because Mrs. Bardy, who currently resides in Aix, and who was a confidante of Mrs. Theodora, even before the celebration of the marriage, and very recently, reported to me these words of the latter: "If my husband had been more kind, perhaps I would

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have granted him some favor." Then, correcting herself: "No, never, never." This meant: even if he had been kind, I would never have consented to be intimate with him. Moreover, before the marriage, she had promised to Mr. N. that she would not give herself to anyone else and would reserve herself for him alone. This information was given to me by Mrs. Bardy, whom I have already mentioned." The same is reported by the Reverend Father Emeric Aumônier, who solemnly blessed the marriage of Melania Eyrand and others, including Theresia Chaine, who is very well-informed about the matter due to her close familiarity with Theodora. The witness confesses: "During my stay in Marseille, after the wedding trip, at my repeated requests and questions, Mrs. Theodora finally confided in me that she had constantly refused her husband the marital duty." Nor do the witnesses on the woman's side testify otherwise, although they assert that the refusal of the marital duty occurred because of the husband's rudeness. Thus, Andreas, Theodora's brother, concludes his testimony in this way: "I believe I should add that, although Mr. Franc, after spending the night at my home, and telling me that he was pleased, gave me reason to believe that the marriage had been consummated that night, nevertheless: 1. by the repeated request he made to me at that very moment to accompany him to Nice; 2. by the entirety of his complaints, made by telephone from Lyon and expressed in more detail upon their return, I am led to believe that the marriage was not consummated, given, on the one hand, the entire..."

[*Latin ed. p. 280*]

280 "From the testimony of the Most Holy Council concerning my sister, and, on the other hand, the weak character, lack of tact, and lack of skill of her husband." Iosepha, the bride's sister, testified that on the day of the couple's return from their journey, which was also the day of their separation, she urged her sister to fulfill her conjugal duty, in order to avoid the scandal of separation; but that the sister responded, "He was too brutal." Therefore, the prosecutor continued, the conjugal act had never been fulfilled up to that point, otherwise that exhortation would have been superfluous. The lawyer does not hesitate to suggest that the witness's testimony weakens the credibility of Theodora, who affirms that the marriage was not consummated. But, the defender replies, recalling the legal maxim: one witness is no witness. Furthermore, the witness Maria Allègre spoke the truth in this regard, because, being related to Theodora, she sought to mitigate the severity of the situation by diminishing the credibility of the testimony affirming that the marriage was not consummated. Moreover, to address another difficulty that could be inferred by the learned Defender from the ambiguity of the words that the same witness Allègre claims to have heard from Theodora, namely: "But, she added, you surely understand that we did not live together for three months, in the same room,

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and with only one bed, without something happening between us," the defender replies, firstly, that it is uncertain whether Theodora was the author of such a statement, since, when questioned by the judge, she responded: "I do not remember having made that statement." In the event that she did utter those words, the defender explains their meaning as follows: "If I made that statement, in my mind, it could not have meant that the marriage was consummated. Perhaps I responded in that way to avoid some indiscreet and painful question; but, certainly, I did not intend to say that the marriage was consummated; for, despite the entreaties of Monsieur Franc, I always refused the consummation, and I succeeded in doing so until the end." Finally, he says that all doubt vanishes if the woman's words refer to some attempts at copulation, about which the plaintiff himself...

[*Latin ed. p. 281*]

MARSEILLE. 281 speaks in his deposition. If a man, questioned by the judge on this matter, responded: "I explain this statement by the repeated requests that I have made regarding consummation, and by the attempts at reconciliation that I have made, but always in vain, as I have stated in more detail; this, indeed, is 'doing something' with a view to consummation, but not consummating the marriage. My wife, by her physical condition, has not allowed me to reach her to produce the union of bodies." And therefore, the advocate argues, one must entirely believe the sworn testimony of the spouses, supported by the testimony of witnesses. From this, he defends his position, citing the decree of Celestine III in Cap. Laudabilem, concerning frigidity and malice. He recalls that the Holy Congregation has upheld this practice in all cases in which a physical examination of the bodies is insufficient, as, for example, in Burdigala, February 26, 1825; January 23, 1844; Paris, June 26, 1858; Lyons, June 30, 1877, etc. Discussing the reasons for a dispensation, the advocate notes that even the slightest reason is sufficient when one spouse requests a dispensation and the other does not object. Thus, Coscius de Separ. thori, book 1, chapter 16, paragraph 297. However, in this case, the advocate proves that there are serious reasons for granting a dispensation, and he first raises the doubt as to whether the guilty party has truly given the consent required for the validity of the marriage; because, having been seized by a mad love before the marriage for the person to be married, she had promised to give herself only to him, excluding the right of her body to her future spouse, as she herself confidently declared to her intimate friend, Thérèse Chaîne, before the marriage. This is consistent with what the Reverend Father Emeric, chaplain of the Ladies of St. Joseph at Cluny, heard. Indeed, the advocate continues, it is a widely accepted opinion that it is invalid to enter into marriage with the intention of not fulfilling the marital duty, or of not transferring the right of one's body to

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one's spouse. Witness, Cardinal.

[*Latin ed. p. 282*]

282 From the Most Holy Council of D'Annibale in Summa Theologiae, part II, § 430, no. 40; and part III, § 313, no. 3, where, concerning this matter, he also cites St. Thomas, Sánchez, Benedict XIV, as well as the decision of the Sacred Congregation of [the Holy] Council, dated July 8, 1724. The advocate adduces another most serious cause for the dispensation, namely, the adultery of the woman; indeed, it is known in law that even the suspicion of adultery can provide a cause for dispensation, as taught by Coscius in *De Separ. et Div. Matrimonii*, book 1, chapter 16, no. 269, and such a suspicion was considered by the Sacred Order in *Albiganen. Matrim.*, September 16, 1801. This cause clearly applies to our case, as is evident from the records. Indeed, Francus, during the marriage journey, had a very strong suspicion of adultery between his wife and N., who was greatly loved. Finally, both the spouses and the sacramental witnesses asserted, as if with one voice, that there was absolutely no hope of reconciliation or harmony. For Francus, being grieved by the woman's immoral behavior and her unrepentant way of life, and feeling increasingly neglected and disrespected, absolutely refused to resume life with the unhappy, deceitful woman, whom he disliked. In his declaration, the man stated: "I decided to leave her with her parents from this day, June 17, 1899." The woman's declaration is similar, who, when questioned by the judge: "Is there any hope of reconciliation?" replied: "Absolutely none."

OBSERVATIONS OF THE DEFENDER OF THE SACRED BOND. On the other hand, the defender of the bond, opposing the spouses who deny the consummation of the marriage, presents a very serious testimony from Maria Olivae, who, under oath, to the question: "Do you know whether Mrs. Theodora's marriage with Mr. Francus was not consummated?" clearly replied: "Mrs. Theodora told me that she refused her husband the conjugal duty on the first night, and after the incident in Limoges. But," she added, "you must understand that we did not live together for three months, in the same room."

[*Latin ed. p. 283*]

MARSEILLE. 283, and having only one bed, without anything having happened between us." – To the judge: "What meaning did you give to those last words of Madame Theodora: 'Something happened between us'?" "Does this refer to the consummation, or to mere attempts?" Mary replies: "I believed that she was speaking to me of the actual consummation of the marriage; but if she meant simply to speak of attempts, I do not know, she did not explain it." To the question: "Can one have full confidence in the veracity of Madame Theodora on this point?" Mary answers: "After having ceased all relations with Madame Theodora since her marriage,

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I thought it proper to have a conversation with her yesterday, since I was called to appear before the Tribunal today. I wanted to know for certain what relations she had had with her husband. After having said what I have just reported, she added: 'I have, however, sworn not to have consummated the marriage, and you run no risk in doing so as well. I was until then convinced of her sincerity, but these words have greatly diminished my faith in her truthfulness.'" Regarding this matter, the plaintiff, questioned by the judge, replied: "I explain this statement by the repeated inquiries that I have made regarding the consummation, and by the attempts at rapprochement that I have made, but always in vain, as I have just stated in more detail; this is, indeed, to do 'something' with a view to consummation, but not to consummate. My wife, by her physical position, did not allow me to reach her to produce the union of organs." But the defender of the bond replies that the words of Theodora are twisted by the plaintiff to a different meaning. For, besides the fact that Theodora is not that innocent girl who does not know that simple "attempts at rapprochement" have no weight in conjugal relations, her manner of acting clearly shows that the meaning of those words is not merely attempts at union: for she, unwilling to have the marriage, appeared before the judge.

[*Latin ed. p. 284*]

284 After the conclusion of the examination by the Holy Council, she was questioned: "Do you recall having said to someone, who reported it to us under oath, that it was impossible to cohabit for more than two months without something of this kind occurring?" She rather retreated to these words: "I do not recall having made that statement." And when pressed by the judge, "How do you explain the language you used? Did you intend to acknowledge by that that there were only attempts, or that the intimate relations were carried to consummation?" she replied: "If I made that statement, in my mind, it could not have meant that the marriage was consummated. Perhaps I responded in that way to avoid some indiscreet and painful question; but, certainly, I did not intend to say that the marriage was consummated; for, despite the insistence of Mr. Franc, I always refused consummation, and I succeeded in doing so until the end." Theodora, however, fabricates a story, saying: "Perhaps I responded in that way to avoid some indiscreet and painful question!" Indeed, according to the speaker, those words were uttered by Theodora not in response to the insistence of her niece Maria, but from the abundance of her heart. For Maria testifies: "Did she add, as you well know, that we did not remain together for three months, living in the same room and having only one bed, without something happening between us?" Moreover, the man himself, at a time when suspicion was not present, confessed the consummation of the marriage. Indeed, the defender reports that, although one of the spouses confessed

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on the first day after the marriage that the marriage had not been consummated that night, and that he had strongly expressed his grief about it, on the third day, referring to the second night after the marriage, he himself, with his own mouth, declared "that he was very content." Regarding the matter, Andreas, Theodora's brother, says: "The day after the marriage, when I went to see my father, I found him weeping, as did Mr. Franc and my...

[*Latin ed. p. 285*]

MARSEILLE. 285 sisters; all declared to me that the marriage had not been consummated. In the evening, my father and the young couple came to dine at my house with friends, among whom were Mr. and Mrs. Nadaud, from Limoges. We went out into the city. After diversions which I deliberately multiplied, around two o'clock in the night we returned to my house, where I had prepared a room for the young newlyweds. After a very peaceful night, they did not leave their apartment until around noon. I then saw my brother-in-law, and, insisting on making myself understood, I asked him if he was happy... He replied, seeming to have understood me, that he was very happy." The advocate did not deny that the aforementioned witness, rather out of a desire to support the couple than out of a love of truth, added at the end of the examination: "I believe I must add that, although Mr. Franc, after spending the night at my house, and telling me that he was happy, gave me reason to believe that the marriage had been consummated that night, nevertheless: 1°. by the request he reiterated to me at that very moment to accompany him to Nice; 2°. by the entirety of his complaints, telephoned from Lyon and expressed in more detail upon their return, I am led to believe that the marriage was not consummated, given, on the one hand, the entire character of my sister, and, on the other, the weak character and lack of tact and skill of her husband." But, the defender of the sacrament replied, the opinion of Andrew is worth as much as the reasons upon which it is based. But the reasons given do not exclude consummation, but refer to Theodora's fickleness. Indeed, the husband, although he had his wife with him one night, had not forgotten that she had resisted him the first night. Therefore, he desired the company of Andrew, because he feared that his wife, having once yielded to her husband, might relapse into the same fault. But, even granting that these two were not at all confessed, nevertheless, according to the advocate, the husband...

[*Latin ed. p. 286*]

286 From the pronouncements of the Sacred Council, one cannot hear, with attentive ears, when they assert the lack of consummation of marriage, because they intend to obtain some advantage from it. Indeed, both the husband and the wife desire the marriage to be dissolved. For Theodora herself testifies: "It was I myself who provoked the separation." Therefore,

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the following passages are relevant: l. 10 ff. concerning witnesses (there), "No one is considered a suitable witness in his own case"; and l. 10 of the same code (there), "The law has removed the right for all to give testimony in their own affairs." However, the chapter "Laudablem de Frig. et malefic," which is applicable in cases against a patron, just as the defender of the bond, is distant from this controversy as much as the infinite is from the finite. Indeed, he says that, in the present case, the husband affirms his power to cohabit with his wife just as much as the wife, and he desires the right to bring his roof and dwelling to other marriages; whereas, in the cited chapter, the husband confesses his impotence and forbids himself other marriages. Therefore, Cardinal De Luca holds the opinion that, given the character of the spouses, the proof of the lack of consummation of marriage, if the woman cannot trust in the appearance of her own body, becomes almost impossible: "A great difficulty existed for me (thus he, in *De Matrim.*, disc. 9, n. 15) because it concerned a widow who had already slept with her husband, and therefore I did not understand how she could be convinced of the negative consummation of the marriage, although it is not entirely impossible to justify, yet it seems too difficult, so much so that it is a difficulty that is somewhat akin to impossibility." Furthermore, the guardian of the sacrament attacks the speaker with a better argument, namely the letter that Father Albericus of the Order of Capuchins wrote to the prelate of Marseilles on October 9, 1899. Indeed, Father Albericus says: "She (Theodora) told her confidante (Theresiae Baudy) that she would receive her suitor in order to make fun of him, but without any intention of contracting marriage. A few days before the marriage, she wrote to that Monsieur (N.) promising him that she would never..."

[*Latin ed. p. 287*]

MARSEILLE. 287, elle ne se donnera à son mari, et qu'elle n'appartiendra jamais qu'à lui seul." De même, le Père Alberic avait précisé : "Au cours du mois d'octobre ou de novembre de l'année dernière (c'est-à-dire cinq ou six mois avant la célébration du mariage), une dame, grande confidente de Mademoiselle Théodora, accompagnée de son mari, est venue me trouver, etc." Ainsi, quiconque lit le témoignage du Père Alberic, peut facilement croire que cette information lui a été communiquée cinq ou six mois avant la célébration du mariage, c'est-à-dire à un moment tout à fait innocent. Cependant, le défenseur affirme que rien n'est plus éloigné de la vérité. Certainement, interrogé par le juge, "au lieu de songer à interrompre les mauvaises relations qu'ils (Monsieur et Madame Bardy) vous ont "fait connaître, ne valait-il pas mieux s'adresser directement à Monsieur Franc et lui fournir les renseignements dont il se serait servi pour rompre aussitôt avec sa future?" Le Père Alberic répondit : "Monsieur et Madame Bardy croyaient que le mariage mettrait fin à ces relations avec Monsieur N., et que Mademoiselle Théodora, consentant à se marier, serait une

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bonne épouse. Quant à moi, je le croyais aussi, n'ayant appris qu'après le mariage des faits qui m'auraient décidé à parler pour éclairer Monsieur Franc et sa famille. En particulier, j'ignorais que la jeune femme avait promis à Monsieur N. de n'appartenir qu'à lui. De plus, je ne connaissais pas Monsieur Franc, et des révélations de ce genre pouvaient être mal reçues et sembler inspirées par la jalousie ou tout autre motif intéressé." Par conséquent, selon l'orateur, les choses qui ont été manifestées au Père Alberic à un moment innocent, plutôt confirment que n'excluent pas la possibilité d'une dissolution du mariage. En effet, le Père Alberic a dit : "Monsieur et Madame Bardy croyaient que le mariage mettrait fin à ces relations avec Monsieur N., et que Mademoiselle Théodora, consentant à se marier, serait une bonne épouse." En vérité, l'orateur soupçonne fortement que toute cette révélation a été faite au Père Alberic par Théodora, comme une ruse de guerre. De nombreuses choses sont consignées dans les actes, à partir desquelles il est possible de déduire.

[*Latin ed. p. 288*]

288 Having learned that a certain Theodora, with the knowledge, consent, and command of Henricus, had made that famous revelation to the Theresian religious, and that Theodora, being of the age of 23 years, was one who could easily construct any war machine. Indeed, the priest Henricus Emeric writes: "Alone at home, at the age of sixteen, not controlled by a father whose affairs absorbed him, reading whatever she wished, going out with good young women, and perhaps of questionable seriousness, she lacked a consistent and firm guidance to correct a naturally too strong character." In short: according to the speaker, Theodora is one who, considering whatever she deems useful, dares to undertake and accomplish anything, unconstrained by any scruples. Even the examination of her body, although she swore: "I do not consent to undergo a medical examination," she would certainly have undergone it more readily, had she not lost the signs of physical virginity. Indeed, the defender of the bond strongly doubts that a woman, in such matters, could ever trust, even after marriage, because, perhaps without her fault, she might lack these things; and therefore, she feared that a future husband, noticing a defect in the consummation of the marriage, might abandon his wife. In these circumstances, it is easier to feign unwillingness to marry, to reject the betrothed. For in this way, if she were suddenly dismissed by the man, she could easily sell herself, claiming that she was cast out by the man because she refused to descend into his embrace. Given these circumstances, the question arose whether a dispensation from a valid but unconsummated marriage should be granted in this case. RESOLUTION. The Sacred Congregation, after deliberation on September 7, 1901, decided to respond: From the facts presented, it does not sufficiently appear that the marriage

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was consummated.

[*Latin ed. p. 289*]

289 LISBON. CUSTOMS REGARDING THE LITURGY. On February 17, 1900, and December 14, 1901. Through summary prayers. In the Patriarchal and Cathedral Chapter of Ulysses, or Lisbon. Due to the greatly diminished number of canons and ministers, it is said that, from 1877 onwards, a custom arose whereby, on certain days, the conventual Mass was celebrated without singing, even though it was to be celebrated only once. This custom is new, since formerly, this "was observed only on days when three or more conventual Masses were to be sung. Then only two were sung with a more solemn rite, the others being read according to the prescriptions of article 112 of the Statutes of the Patriarchal Church of Lisbon," as the Most Reverend Patriarch wrote in a letter dated October 30, 1898. Nevertheless, a special rite usually accompanies such conventual Masses celebrated without singing, and this rite is described by the Most Reverend Patriarch in the aforementioned letter: "Certain of the chaplains were appointed to assist the masters of ceremonies, whose duty, as stated in article 210 of the Statutes of the Patriarchal Church, was (within the group to which they belonged) to minister at the conventual Masses that were read: and they placed the Missal and the chalice prepared on the altar in the middle, before the sacrifice. If assistants are lacking, their office reverts to the masters of ceremonies. The canons are present weekly, direct the solemnities, and ensure that the rubrics of the Missal and Breviary are properly observed, according to the provisions of article 206 of the aforementioned Statutes. While the canonical hours are read, the master of ceremonies sits on the lower level with the weekly canon, and indicates to him what is to be recited from the book placed above."

[*Latin ed. p. 290*]

290 As a model for the presbyter assisting the Bishops, but according to the practice of this Holy Patriarchal Church, by directing the ceremonies of the sacrifice, his presence adds solemnity to that most holy action, an action in the divine office which rightly claims no greater, no more sacred, and no more of man's attention. "The hebdomadary canon, about to read the conventual Mass, with joined hands, proceeds from the sacristy to the altar of the temple, preceded by three acolytes, two of whom are candlebearers. After the sacred rite is completed, he returns to the sacristy with the same retinue. In such Masses, in which the Chapter is present, and often before a large multitude of the faithful, with dignitaries celebrating (who, according to the Breviary of the Most Holy Pope Pius IX of March 30, 1855, use the mitre and pontifical vestments in the manner of Abbots who use the mitre, with the power to celebrate Mass in the pontifical rite, observing all that is to be observed, in the stall), it has been customary to offer water

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to the celebrant with silver basins and ewers, which makes the action more solemn. "This practice, as thus described, has always been, Most Blessed Father, peacefully observed in this Holy Metropolitan Patriarchal Church of Lisbon, since it is derived from the ancient Patriarchal tradition, and is maintained from time immemorial in the temples of the Royal Buildings in Lusitania." It appears that these special rites have proceeded without controversy until the year 1897, when, on the Feast of the Nativity of Our Lord Jesus Christ, one of the masters of ceremonies, in fact the first, refused to observe these special rites, claiming that they were too foreign to the rules of the liturgy. He based his contradiction on the very Chapter Statutes; indeed, Article 206 stipulates that the masters of ceremonies are bound by an oath to observe the rubrics of the Missal, the Breviary, the Ceremonial, and the Roman Pontifical, as well as the choral discipline; and that fault is attributed to them for errors and violations of these laws; furthermore, Article 170 requires that all members of the Chapter, beneficed clergy, and chaplains... "

[*Latin ed. p. 291*]

LISBON. There are 291 singers, and others, who are obligated to obey the Master of Ceremonies in all matters pertaining to the ceremonies. Based on these reasons, the Master of Ceremonies steadfastly refused to comply, even when the Canons insisted on the observance of the old custom, and he was so determined in his resistance that he preferred to relinquish his office rather than yield to the Canons. Because he found other Masters of Ceremonies who were easily persuaded to imitate him in his defiance, he became the primary instigator of discord, and this caused great scandal and astonishment among the clergy and the people. The matter was then brought before the Patriarch, who on February 5, 1898, issued a decree in which he ordered the complete observance of the statutes by which the Chapter is governed, and he delegated the same Chapter to resolve any doubts, convening a session of the Chapter for this purpose. However, the Master of Ceremonies did not submit, but appealed to the Holy Congregation of Rites through this humble petition, dated February 10, 1898: "The undersigned, one of the Masters of Ceremonies of the Patriarchal Church of Lisbon, humbly lays before Your Holiness the following matters for consideration, in order to resolve certain controversies: "For more than twenty years, in the aforementioned Patriarchal Church, due to the lack of Chaplains and singers, the conventual Mass is usually said, not sung, despite the fact that Statute Article 112 stipulates that it should always be sung; it is sung only by musicians on solemn days. And this Mass, which is said, is celebrated in the following manner: One of the Masters of Ceremonies announces the Mass, arranges the sacred vessels, and places the open Missal upon the altar, where he then spreads the corporal, and places the chalice covered with a cloth, and he attends the weekly Canon

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throughout the entire Mass, indicating the prayers, turning the pages of the Missal, and after the ablutions, he folds the corporal, covers the chalice with the cloth, and places a burse over it, and he brings it to the credence table. The weekly Canon, after reciting the Third Hour, leaves the sacristy and, with hands joined, approaches the altar, preceded by three acolytes, two of whom carry lit candles; after the Mass is completed, he returns to the sacristy in the same manner."

[*Latin ed. p. 292*]

292 From the Sacred Congregation of Rites, it is reported. In this Mass, furthermore, the celebrant uses silver paten and chalice. "It must be noted that this custom cannot in any way be considered immemorial. For the Patriarchate of Ulixbonensis was established in 1843, and its statutes, which prescribe that conventual Mass must always be sung, were approved in 1862; therefore, the aforementioned custom, as mentioned above, has existed for only about twenty years. " The following questions are raised: 1. Are a censer and a silver paten and chalice permitted in this Mass? 2. Can the Master of Ceremonies, or another priest, in this Mass, read the Mass in the Missal, and open it, prepare the chalice, and assist the celebrant, indicating the prayers, turning the pages of the Missal, folding the corporal, preparing the chalice, and placing it upon the altar? 3. And if this is not permitted, must the hebdomadary canon bring the chalice to the altar and return it to the sacristy, and read this Mass as any other simple priest? 4. Must the Master of Ceremonies, with attentive eyes, remain at the altar, under the pretext of preventing the celebrant from making mistakes, and thus oversee that the rubrics are strictly observed? The chapter considered that it was proper to dismiss the objections of the Master of Ceremonies, as if they were entirely devoid of reason and law; and seizing the opportunity to request from the Sacred Congregation a postponement of certain privileges granted for three years under the year 1894, he presented a humble petition to the Most Blessed Father, in which, with hopeful expectation, he sought that permission be granted to him to pursue the course of action opposed by the Masters of Ceremonies. — The Sacred Congregation for Extraordinary Affairs referred the petition and the explanatory letters of the petition to the Sacred Congregation of Rites; these two documents are as follows. First, on April 12, 1898:

[*Latin ed. p. 293*]

LISBON. 295 "The Chapter of the Holy Metropolitan and Patriarchal Church of Ulyssiponensis, experiencing a great lack of members to fulfill its canonical duties, because the number of those assisting has been reduced to very few; therefore, from this time forward, the aforementioned Chapter humbly requested from Your Holiness the following dispensations, which Your Holiness, with a benevolent spirit, granted for a period of three years

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through a Rescript dated December 12, 1894: "1. A dispensation from the celebration of Mass on feast days and vigiliae when they coincide with the principal Mass of the Office. "2. A dispensation from the recitation of the Office of the Blessed Virgin and of the Dead, and of the gradual Psalms, when they coincide with the Office of the feast day. "3. A dispensation from the application of Mass for benefactors on days that are not of precept, dispensed with or abolished. "However, since the circumstances of this Patriarchal Chapter of the Ulyssiponensis See remain the same, or approximately the same, at the present time, and as this situation persists, it is earnestly requested that the extension of these graces be granted. "Furthermore, Most Blessed Father, the aforementioned Chapter implores Your Holiness to grant the following indulgences: "a) That the Conventual Mass be celebrated without singing, since it cannot be celebrated with singing due to the excessively small number of ministers; b) And that, for greater solemnity, and to eliminate all doubts and remove scandal, without introducing anything new, the celebrant may proceed from the sacristy to the altar with two candle-bearers, an acolyte, and a key-bearer (commonly called a *maceiro*); c) And that water may be ministered to him during Mass with silver basins and jugs; d) And that the Master of Ceremonies may be present at the celebration, not in the manner of Bishops, but only to perform the ceremonies and to observe the rubrics of the missal, according to the most ancient custom in this Patriarchal Church." Moreover, according to: "In the suppliant petition presented by the Chapter of this Holy Patriarchal Church of Lisbon, on the twelfth day of last April, to Our Most Holy Lord Leo..."

[*Latin ed. p. 294*]

294 To the Most Holy Father, humbly presented, along with the opinion of the Most Eminent and Reverend Cardinal Patriarch, which certain Canons deputed from the same Chapter have placed in the hands of Your Most Illustrious Lordship, four paragraphs, which perhaps were not written with the clarity they should have been, are presented for Your Lordship's reverent consideration.

« In § a). The Chapter petitions the Most Blessed Father: that the conventual Mass may be celebrated without singing, since it cannot be celebrated with singing due to a very small number of ministers.

« In the Archdiocesan Calendar, according to the special statutes of this Holy Patriarchal Church, the feasts of the first, second, third, fourth, etc. orders are designated.

« For the Masses of the feasts of the first, second, and third orders, a choir exists, composed of secular men, and compensated with a suitable salary. However, for the Masses of feasts below the third order, the Masses should be chanted by the chaplains who are singers of the Chapter. These number scarcely two today, one of whom has been deprived of the light of his eyes,

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and who provides sufficient reason for the Chapter to petition the Most Holy Father to grant the faculty of celebrating the conventual Mass without singing, extending this concession only to the aforementioned feasts; although the lack of singers is the primary cause for the dispensation from singing, it is not the only one; but since often other serious difficulties of various kinds arise, the Chapter humbly beseeches the Most Holy Father that, should any serious difficulty arise, it may be permissible to celebrate the conventual Mass in a spoken manner, so that the Canon, to whom the sacred duty is entrusted, may safely and without anxiety make use of the granted concession.

« In § b) the following is stated: to allow, for greater solemnity, to eliminate all doubts, and to remove scandal, without introducing anything new, the celebrant to proceed from the sacristy to the altar with two candlebearers, an acolyte, and a thurifer (vigod-m&ceivo).

[*Latin ed. p. 295*]

LISBONE!*. 295 "This custom has prevailed among us from time immemorial, perhaps so that a greater solemnity may be attributed to the conventual Mass than to other private Masses. The same [practice, with the key being taken] is observed in the parochial Mass celebrated on feast days in the parishes of this Lisbon Archdiocese, as well as in various royal chapels, in imitation of the Patriarchal Church, which shines with the honor of the Royal Chapel, both because the Most Eminent Patriarch is distinguished by the office of Arch-Sacellan of the Royal Chapel, and because here, the most faithful, accompanied by a noble retinue, are accustomed to attend the principal solemnities of the Catholic religion. If this most ancient custom were to be broken, the Canons fear that the faithful might suffer some scandal, and that admiration might not arise for edification in the Royal Chapel. " In § c)... and water should be ministered to him [the celebrant] (without innovation) during the Mass, with silver basins and jugs. " This, too, is an ancient and time-honored custom: that the conventual Mass, to which the Chapter attends, should be made more solemn, and which is often celebrated before a large multitude of the faithful, or by some Dignitary of the Chapter who, having the right, uses the Mitre and pontifical vestments, in imitation of Abbots who use the Mitre, with the power to celebrate Mass in the faldstool, according to the pontifical rite. " In § c?) it is written: and also (without innovation) the Master of Ceremonies should attend the celebrant, not in the manner of Bishops, but only to carry out the ceremonies and the rubrics of the Missal, according to the most ancient custom of this Patriarchal Church. " The Master of Ceremonies, seated on the lower level, attends the Canon weekly while the office is performed in the choir, and indicates to him what is to be read in the book placed above. Furthermore, the Master of Ceremonies attends the Canon who is reading the conventual Mass, not in the manner of a presbyter assisting Bishops,

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but according to the custom of this Holy Patriarchal Church, to ensure that the rubrics are followed in the movements of the Missal.

[*Latin ed. p. 296*]

296. The most holy decrees of the Roman Council must be observed. This patriarchal custom has, until recently, been peacefully maintained, but it has been challenged in a way that undermines the peace of conscience and disrupts harmony among ministers of different orders within the same patriarchal Church. "The Metropolitan Patriarchal Church of Lisbon, mindful of the Apostle's words: 'All things be done decently, and in order' (1 Corinthians 14:40), and 'That your charity may abound in knowledge' (Philippians 1:9), earnestly implores Your Roman Eminence, that You may not hesitate to defend and uphold, before the Most Holy Pope, the petition of this same Chapter, as explained herein, so that all rubrics, decrees of the Supreme Pontiffs and Holy Congregations, which certainly do not contradict established customs, may be strictly observed." "The same Chapter of the Patriarchal Church of Lisbon, formerly endowed with an incredible number of privileges by the Supreme Pontiffs, hopes that, with the patronage of Your Roman Eminence, the Apostolic See and its Most Holy Pope Leo XIII, to whom the Patriarchal College of Canons has always been most devoted, will deign to approve, ratify, and, if necessary, confirm by Apostolic authority, these time-honored customs, for the glory of God, for the edification of the clergy and the faithful, and for the fostering of charity in all things." The Sacred Congregation granted a five-year extension of the indulgence; but regarding the requested faculties under letters A, B, C, and D; and regarding the same, the Masters of Ceremonies raised objections with the Sacred Congregation of Rites, and the Sacred Congregation of Rites, on June 25, 1898, responded: "Let it be known." Nevertheless, the canons did not abandon this practice, but, at the urging of the Master of Ceremonies, the Patriarch and the Chapter, on December 17...

[*Latin ed. p. 297*]

LISBON. 297th of February, 1898. Letters were presented in the same sense as those previously given by the Sacred Ordinary Congregation, although mention of this rescript should be made. Finally, notification of the prevention of this matter by the Sacred Congregation of the Council reached the moderators of the Sacred Congregation of Rites on February 15, 1899, and a rescript was issued: "To the Sacred Congregation of the Council, already informed." Thus, the Most Reverend Patriarch was further assured. Therefore, this morning, the question was posed by the Most Eminent and Reverend Fathers: "Whether the custom concerning the rite of the conventual Mass should be approved." The Sacred Congregation of Rites requested the opinion of the Pontifical Master of Ceremonies, which is as follows: "Regarding the proposed questions, I believe the following

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answers should be given: 'Regarding I. It is not unknown to anyone that the conventual Mass, even if recited, enjoys the privileges of the solemn Mass; as, for example, in the second class, it is not permissible to make a commemoration of the simple Mass. 'Furthermore, the Canon who celebrates the conventual Mass must make an inclination towards the altar both upon approaching and departing; but it would be inappropriate for the Canon to hold the chalice while doing so. Therefore, it is appropriate that the chalice be placed in the center of the altar before the sacrifice, as is customary in the esteemed city of Rome. 'Therefore, in response to the question, I answer: Affirmative. 'Regarding II. The use of the thuribles, in this case, cannot be maintained, since they are strictly proper to the solemn Mass with the sacred ministers. For in this solemn Mass, the thurifers precede, because there is a procession from the sacristy to the altar, and furthermore, the candelabra are used during the singing of the Gospel. 'Therefore, in the conventual Mass without singing, the reason for the thuribles is lacking. However, considering the above, I believe it is permissible to allow two clerics, without thuribles, to accompany the Canon celebrating the conventual Mass. And therefore, I would answer: It is sufficient for the Canon who is to celebrate to be accompanied by two clerics or acolytes, but without thuribles. 'Regarding III. The custom of the basin and ewer in this case is to be tolerated.'"

[*Latin ed. p. 298*]

298 It seems rare that this can be the case, according to the Sacred Council. For the Canons of the Patriarchal Church of Lisbon enjoy privileges granted by Pope Pius IX, and, like those who use the privileges of Abbots, they can be considered as Prelates. Indeed, it is true that, according to the law, Abbots should not be distinguished from a simple priest in a private Mass. Thus, it is also the case with the Canons about whom we are speaking. However, in this case, we are dealing with a conventual Mass, which, strictly speaking, is not a private Mass, since it carries with it a certain solemnity. "Therefore, I would say: It can be tolerated in this case." To IV. The celebrant, in the exercise of his ministry, is always superior to the minister, even in sacred matters. Therefore, there is no inconvenience if a minister who is marked with sacred character serves at the Mass. Although, according to the ordinary law of clerics, it is their duty to minister at Masses, this in no way prevents another, for some other reason or by some other law, for example, by a particular statute, from being appointed to such an office. Especially since, in this case, we are dealing with a conventual Mass, as stated above. "Therefore, I would give the answer: Affirmative, considering the Statute of the Patriarchal Church of Lisbon." To V. From what has been said so far, it seems to me permissible for a priest to assist the celebrant at Masses, as in this case, standing near the Missal, especially considering the priestly dignity, and since we are dealing with a conventual

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Mass. "Therefore, I would answer this last question: Affirmative." But, with regard to the matter of custom, it is necessary to know the circumstances that the Chapter of the Cathedral of Lisbon has undergone; since, when the old Patriarchal Church of Lisbon was extinguished, Pope Gregory XVI, by a Bull issued on November 9, 1843, established the Metropolitan Patriarchal Church that exists today. Pope Pius IX gave his approval to this by a Brief. However, with regard to the merits of the question, or as to the value of custom in this matter, the following decisions of the Sacred Congregation of Rites should be noted:

[*Latin ed. p. 299*]

LISBON. 299 "A controversy arose between the Master of Ceremonies and some of the Canons of the Cathedral Church of N. (who maintained that venerable customs ought to be observed, although they were contrary to the rubrics and the prescriptions of the Ceremonial of Bishops), and this was brought before the Bishop, who referred it to the Sacred Congregation of Rites. The aforementioned Sacred Congregation, having considered the following questions, gave its response as follows: Whether the Master of Ceremonies ought to await a decree or the consent of the Chapter before carrying out the rubrics and the decrees of the Sacred Congregation; or rather, whether he ought to observe the aforementioned things himself, without such a decree or consent, and also to ensure that they are diligently observed by all, according to the Ceremonial of Bishops, book I, chapter 5, and the decrees of the Sacred Congregation of June 17, 1834, in Monopoli on March 20, 1869, in Monreale on May 31, 1877, and in the collection of Dubia? "Whether any customs, however venerable, of this Church, if any are found, which are openly contrary to the rubrics of the Missal, the Breviary, the Ceremonial of Bishops, the Roman Ritual, and the decrees of the Sacred Congregation contained in the Gardellin collection, can be observed; or rather, whether such customs should be condemned and rejected as abuses and corruptions, even if no mention of the venerable custom is made in them, as appears from the Apostolic Constitutions from the decree of the Sacred Congregation at the beginning of the Missal, and others of March 16, 1591, in Oseen; November 27, 1631, in Perugia; June 18, 1869, in Rome; May 17, 1692, in Forosembron; June 14, 1845, in one of the Discalced Orders of the Most Holy Trinity; March 16, 1658, in Jacen; April 12, 1832, in Ravenna; December 12, 1832, in Pisa; August 3, 1839, in Trivento; and September 11, 1847, in Santo Ângelo? "Whether, in cases of doubt (and while an appeal is made to the Sacred Congregation), the Chapter can, without consulting the Bishop, decide that in a particular case, a venerable custom should be followed, and not rather the rubrics and decrees, especially since the Bishop is strictly bound by various decrees of the Sacred Congregation to take appropriate measures to ensure that the rubrics and the decrees of the

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Sacred Congregation are duly observed?"

[*Latin ed. p. 300*]

300 FROM THE SACRED COUNCIL: "The Sacred Congregation, after considering the report of the undersigned Secretary, and having heard the opinion of one of the Masters of the Ceremonies, after mature deliberation, declared and decreed: that the aforementioned customs are to be removed, inasmuch as they are corruptions; and that the rubrics and decrees are to be observed entirely. And Your Eminence is to admonish those who dissent, and even those who are disobedient, with ecclesiastical penalties. "July 14, 1882." For the sake of official record, this is to be noted. - Regarding the series of facts reported by the Chapter and the Most Reverend Patriarch, the Procurator of the Master of Ceremonies observes that it is not in accordance with the truth that the number of canons and ministers is so reduced today. Indeed, he states: "Instead, the personnel has been almost complete for some time; 15 canons, not counting four others who were already being considered; 18 beneficiaries; 8 chaplains singers; 18 musical singers, in addition to the remaining lower personnel." However, in the records, documents are still lacking that would prove this. The Master of Ceremonies asserts in a separate document that, in appearance, this is completely contrary to the report of the Most Reverend Patriarch and the Chapter. He states: "For twenty years, more or less, in the aforementioned Patriarchal Church, the Conventual Mass has been mostly read, despite Article 112 of the statutes." On the contrary, the Most Reverend Patriarch reports that, from time immemorial, and in accordance with Article 112, on days when three or more Conventual Masses were to be sung, only two were sung; THE OTHERS WERE READ, - and then he describes the rite of the Conventual Masses that are read, which is the very rite that the Master of Ceremonies condemns and accuses of being novel. - But the reason for the disagreement seems to lie in this, since the Master of Ceremonies speaks of a Conventual Mass that is read, which has been celebrated in this way since 1877, although it is supposed to be celebrated only once; while the Patriarch recalls the prescription of Article 112 of the statutes, which allows Conventual Masses to be read when two have already been celebrated with solemn rite. - Furthermore, the Master of Ceremonies reproves this new rite as being special.

[*Latin ed. p. 301*]

LISBON. Thirty conventual Masses celebrated with readings accompany [this practice], which clearly indicates that the origin of this custom can only be traced back to the institution of the Patriarchal Chapter, namely from the year 1843. However, we will address this objection further below. Furthermore, there is one question as to whether the Chapter is permitted to celebrate, or whether it is advisable to grant permission for, a conventual Mass with readings, even if only one such Mass is to be celebrated; and

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another question is whether it is permissible to add controversial rites to a conventual Mass celebrated in this manner.

However, one thing does not seem to be sufficiently distinguished from another in the petition of the Master of Ceremonies. It is necessary to point out something relevant to the matter at hand. Firstly, since the matter concerns a custom, it is helpful to determine whether this custom is contrary to the law, or in conformity with it, or whether it should be said to be outside the law. Indeed, if we consider the decrees cited above, these seem to condemn completely customs that are contrary to the law or that openly contradict the rubrics of the Missal, the Breviary, the Ceremonial of Bishops, the Roman Ritual, and the Decrees of the Sacred Congregation. However, if we consider the opinion of the Consultors of the Sacred Congregation, we must consider the controversial rites not as being openly contrary to the rubrics and decrees, but rather as being outside or beyond these laws. Indeed, we should almost consider such a liturgical custom to be in accordance with the law, since it is, by its very nature, not alien to the solemnity of the conventual Mass, even if it is celebrated with readings.

Furthermore, since the Cardinal Saraiva was given full power to regulate and order all things in the erection of the Cathedral Chapter, according to the customs of the place and the particular circumstances, it is permissible to infer that these special rites were also subjected to his examination, and that he approved of them. In the erection of the Cathedral Chapter, it was stipulated that "in the Patriarchal Church... the divine worship, in hymns and chants and other sacred functions, should be diligently promoted and fully carried out with the solemnity and dignity that is appropriate to the present circumstances." The Chapter members themselves report that these same rites are observed in parochial Masses. They relate that...

[*Latin ed. p. 302*]

302 FROM THE SACRED COUNCIL: "The same [practice, concerning the key-bearer] is observed in the parish Mass celebrated on feast days in the parishes of this Lisbon Archdiocese, as well as in various royal chapels." However, the Master of Ceremonies seems to believe that this custom has no effect on the Patriarchal Church, since it is a recent institution; moreover, the old chapter was completely and perpetually suppressed, along with all the rights, privileges, prerogatives, honors, which had previously been held, and in whatever way acquired or applied. Therefore, he concludes that the aforementioned custom cannot be considered memorable. However, it should be noted that, according to the common and peaceful opinion of Doctors of Law, a custom, once established beyond human memory, or a "memorable custom," is not abolished or annulled unless the express will of the legislator is stated in the law itself: this is stated by Ferraris, *V. Consuetudo*, n. 35. "By a general law or a general abrogation clause, e.g., 'notwithstanding any custom,' a custom is not abolished; rather, a

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memorable custom is not abolished unless a special mention is made of it." An example is found in *c. Si Episcopus 2. De poenit. et remiss.*, in 6, where it is stated that no custom can induce the situation whereby someone can choose a confessor without the permission of his superior; and yet, before the Council of Trent, simple priests confessed to each other, with the help of the aforementioned memorable custom, which was later expressly revoked by the Council of Trent, Session 23, chapter 13, *De ref.*, where it states: "Notwithstanding any privileges and any custom, even a memorable one." Certainly, no one should doubt that the established Patriarchal Chapter has provided sufficient time to legitimately establish the custom, even according to the stricter opinion that requires a period of forty years. This is taught by Ferraris, *V. Consuetudo*, n. 20 seq. "However, the time required and sufficient for a custom to be considered legitimately established, so that it may abolish and annul a law, is ten years, according to the common [opinion]."

[*Latin ed. p. 303*]

LISBON. The reason is this, because the custom by which civil law is abolished and repealed must be long-standing. However, for abolishing or repealing a canon or ecclesiastical law, a period of forty years is required. *Rota part. 1. recentior, decis. a. 497, n. 4, part. 5, tom. I.; Fagnanus n. 40 et 67; Layman lib. I, tract. 4, cap. 24, De legibus*. It is, however, probable that even for abolishing a canon or ecclesiastical law, a decade is sufficient, just as it is for abolishing a civil law. *Lessius lib. 2 De Inst. et iure, c. 6, num. 94; Lugo Disp. 7, De Inst. et iure, sect. 7, num. 94*. But it is of the greatest importance to remove any root of discord that may arise within the chapter. The Patriarch, in his letters, points out that such disputes have already been made public and have been met with ridicule and contempt. Furthermore, it should be stated that the Patriarchal decree mentioned above, issued for resolving disputes, was indeed intended to provide a remedy for such discord. Truly, it does not seem to be clearly stated whether this decree confers extraordinary delegated power upon the Chapter for resolving such controversies; or whether it merely advises and encourages the Chapter to use the power it possesses to maintain and promote the diligent observance of choral discipline and the statutes. December 14, 1901. By summary petitions. PROCEEDINGS. On February 17, 1900, a rescript was issued: "Present the order of the divine office, or the liturgical calendar, of the Patriarchal Church of Lisbon." The canons presented nothing new, but the master of ceremonies, through his appointed advocate, more fully explained the observations already outlined in the previous document. He first spoke of the conventual Mass, which, he argues, should always be sung (const. *Benedicti XIV, Cum semper oblatas*); according to the precept,

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which, according to the authors, is...

[*Latin ed. p. 304*]

304 The decrees of the Sacred Council impose a grave obligation (Quarti, p. I, tit. III, sect. I, dub. I; Pasqualigo Q. 882; Ferraris Voc. Canon. art. I, num. 66 et seq.): indeed, the advocate argues, according to the decrees of the Sacred Congregation of Rites, that even when several priests are present, in accordance with the rubrics of the Mass, so that everything ought to be sung (Decr. n. 552 in Faventina, 2427 ad VII in Wilnen. 691, 282, 480, 2002, Decr. 10, etc.). But if such an obligation exists, it is scarcely conceivable that the Metropolitan Church of Lusitania, the Patriarchal Church of Lisbon, should be exempted from it. If it is objected that, at some time, a dispensation was granted to allow the conventual Mass to be read, the advocate argues that there is no valid reason for such a dispensation to be granted. They allege a lack of ministers: but if this refers to the number of those who serve in the choir, there is no reason for this. Today, the Chapter of Lisbon consists of twenty-two canons, ten and seven beneficiaries, fourteen chaplains who sing, and twenty musicians. If it is understood as a lack of singers, there is not only no reason for this based on the aforementioned points, but it also seems absurd. For it has been decided by the Sacred Roman Congregation that the legal prescription must be observed; rather, the choir members themselves should provide for the lack of singers, than that the Mass should be read without singing. They also allege custom: but the advocate argues that this custom is neither memorable, as they claim, because in the old Patriarchal Church, all conventual Masses were celebrated with singing, and only since the year 1877, after deliberation by the Chapter, did they begin to be read; nor is it legitimately established, even if it were memorable, because, contrary to the rubrics and decrees of the Sacred Congregation of Rites, which always order that the conventual Mass be celebrated with singing, no prescription or custom is given: "Can customs, however memorable, be observed when they openly contradict the rubrics of the missal, the breviary, the caeremonialis Episcoporum, the ritual of the *romani*, and the decrees of the Sacred Congregation contained in the collection of the Cardinal? - The aforementioned customs must be removed, because they are corruptions; the rubrics and decrees must be observed entirely, and the Supreme Sacred Congregation warns against this."

[*Latin ed. p. 305*]

LISBON. I, » s.- * j. i 505 residents and also those who are unruly, even through ecclesiastical penalties » (Sacred Congregation of Rites, July 14, 1882, n. 2792, 2951, and elsewhere). They also object to the provision in the statutes of the Patriarchate that, if more than two Masses are celebrated, the third should be read. But, according to the advocate, this provision

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in the statutes is null and void. For, according to the Council of Rome in 1725, nothing can be decreed in the statutes without the authority of the Pope, which exceeds common law; and especially, whatever is contrary to the rubrics, not only cannot be decreed, but – as is expressly stated in the same Council – if it has even been introduced by an ancient custom, it is to be condemned. Regarding this first question, the advocate reports that the conventual Mass, which had been celebrated in the Patriarchal Church since 1877, was again sung from the year 1900, at the command of the Most Reverend Patriarch by an order (commonly called a circular). But, besides the abuse, of which mention was made in the statutes, that only two Masses should be sung, if more than that number were to occur, it also happened that not even the second Mass was sung if two Masses were celebrated. This, according to the advocate, is all the more to be condemned, because the chapter requested a dispensation from the Sacred Congregation of the Council and did not obtain it on May 29, 1900. The advocate then proceeds to another point of the matter, which concerns the rite of the thurifers and the key-bearer. And he argues that the rite of the key-bearer is entirely an unusual custom in the Church, and therefore to be condemned even in solemn Masses; while the rite of the thurifers is proper to the solemn conventual Mass, that is, the one sung with sacred ministers, and therefore to be condemned in a conventual Mass, whether simply sung or, even more so, read. And indeed, to prove that these rites are not to be maintained, according to the form of the chapter's petition, he presents reasons, on which that chapter relies, and he says that these reasons are of no weight. They say that these rites are required for greater solemnity: but the rubrics and decrees indicate the solemnity and the rites proper to each type of Mass, from which, not even a hair's breadth can be deviated (Bull of St. Pius V, Quo primum missali, Vol. XXXIV, part I, 20).

[*Latin ed. p. 306*]

306 FROM THE HOLY GENERAL COUNCIL concerning the Mass). However, in the rubrics concerning the key-bearer, there is never any mention of the ceroferaries [bearers of candles] in the Mass, except for the solemn Mass with the sacred ministers; therefore, this norm must be strictly adhered to. Then, they add that the canons should approve these rites in order to dispel doubts and remove scandals. But, according to the advocate, there is no place for these doubts, since the rubrics are very clear; and indeed, the scandal exists in the present state of affairs, which would be completely removed if the chapter were to return to the full observance of the rubrics. The canons allege an ancient custom; but the advocate argues that this custom, as with another custom read about the conventual Mass, although it may be ancient, is to be rejected, since it is contrary to the rubrics and decrees. Furthermore, according to the advocate, it cannot be objected that the example of the parish churches of

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the city of Lisbon and the Royal Chapel [Regiae Capellae] exists, where the same ceremonies are observed, according to the chapter. For the advocate, through the testimonies reported in the Summary, is confident that he has clearly demonstrated that the chapter's assertion does not correspond to the truth. Moreover, the disputed custom, says the orator, is certainly not ancient, for the conventual Mass, to which the question primarily pertains, began to be celebrated, not sung, in the Patriarchal Church in the year 1877. Here, the advocate notes in the book of the Master of Ceremonies a mention of another particular rite: namely, that the priest should approach the altar with his hands joined, without carrying the chalice himself; for the chalice is previously placed upon the altar, and also the missal is previously prepared and opened. The advocate does not consider this double rite to be suitable for the conventual Mass; for, according to the rubrics and decrees of the Holy Congregation of Rites, it is not only not permitted, but prohibited (Decree 3059, dub. VII, 1681, dub. 51). The advocate proceeds to the third point of the question, which concerns the basin [pelvis] and the ewer [urceolus] made of silver. Regarding this, he had previously noted that the question should rather be raised about the form of these vessels, than about the material from which they are made. The rubrics order that in the Masses, both the conventual and the solemn,

[*Latin ed. p. 307*]

LISBON. "Three hundred and seven small glass ampoules are to be placed, overlapping, on the paten, from the same side of the letter." ("De missa lecta," title XX, on the preparation of the altar, section 1). "The celebrant washes the hands of the ministers and the acolyte with an ampoule of water, with a basin and towel." ("De miss. soll.," title VII, section 10). The chapter not only mentions silver vessels, but also ampoules, which are a kind of small bowl, specifically a "boccale" in Italian, and a larger basin, called a "bacile" or "calix" in Italian. Since, according to the aforementioned rubrics, neither the "missa lecta" nor the solemn Mass allows for the use of these vessels, but only permits their use by Bishops or lower prelates exercising their pontifical functions, it cannot, in any way, be granted to the Canons and Dignitaries of the Patriarchal Church of Lisbon. Furthermore, it is not necessary to defer to the opinion of the advocate of the ceremonies, who has asserted that this custom can be tolerated, since, according to the advocate, his reasons are unfounded. He speaks of a privilege granted to the dignitaries of Lisbon to celebrate a pontifical Mass. But it has been stated that prelates using this privilege can use a silver "urceolus" and basin only in a pontifical Mass, which is not the subject of this discussion. (Decree of the Sacred Congregation of Rites, number 1131, question 21). Nor is it necessary to return to the custom, which, according to the advocate, should not be considered in light of the aforementioned points. Finally, no privileges of the ancient Patriarchate

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need be brought into consideration, for when the Pope established the new Patriarchate, he completely suppressed the old one, "completely and perpetually, with all the rights, privileges, prerogatives, honors, that had been held up to that time, and however acquired or used." Now the advocate comes to the fourth point, which is the subject of the dispute. He speaks of the assistance of the master of ceremonies in a conventual Mass, and asserts that this assistance in a conventual "missa lecta" should be completely rejected. And he adduces several arguments to prove this.

[*Latin ed. p. 308*]

308 From the decrees of the Holy Council and the Holy Congregation of Rites, this assistance is entirely excluded in any Mass: indeed, because the rites of solemn Masses, as regards the assistance of the master of ceremonies, cannot be adapted to readings, nor can they be adapted without violating the rubrics, to which strict adherence is required. Regarding the decrees cited by the advocate, the defender recalls the responses given to the Bishop of Tudertin (in the year 1660, decree no. 11481) and to those concerning the masters of ceremonies (in the year 1686, no. 1771), and also that which is indicated in collection no. 2310: "Can an archdeacon and canons, when celebrating Masses, both within and outside the cathedral, have more than one server, besides the one who responds at Mass, and a master of ceremonies? No, in all cases." (question 41). Regarding the rubrics, the advocate notes that they do not allow for more sacred ministers, nor for acolytes, nor for more than two inferior ministers (or two in a conventual Mass), nor for the master of ceremonies, since all these things are appropriate for a sung or solemn Mass, for which they are prescribed. Furthermore, according to the advocate, those objections raised by a chapter, or by an apostolic master of ceremonies from the Holy Roman Church, have no weight. The master of ceremonies consultant recalls the dignity of the priesthood: but, if this were to be considered for all priests who read the Mass, the master of ceremonies could assist. The same consultant places the quality of the conventual Mass in the middle: but when a Mass is said as a reading, these privileges do not apply, since the use of them is prohibited by the rubrics and decrees, even for bishops celebrating privately. Finally, the advocate discusses several other rites, regarding which, since the document was presented, it has been decided that these abuses will be examined "on the day of the presentation of the case." This document, among other things, recalls that canons outside the cathedral wear the mantelletta; that they wear choral insignia outside the cathedral and diocese; that they assume the caligas, sandals, golden chirothecas in Pontifical functions, and the precious mitre; and that they impart the triple

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blessing, at pontifical Masses.

[*Latin ed. p. 309*]

LISBON. 309 days of penance to be celebrated: to bless the sacred font piously and to administer the sacraments. Then, he adds, that he asserts his own authority as Patriarch: and that the canons, at the fourth circle in the Pontifical Mass, should not kneel before the Most Holy Sacrament, but should only make a bow. Among the documents is also a calendar, examined by the Sacred Congregation of Rites, and from it, the order of the Divine Office is explained, as related in the aforementioned summary, declaring the signs and norms of that same calendar. With these things noted, the question was raised as to how to respond to the prayers. RESOLUTION. The Sacred Congregation of Rites, having considered the matter, on December 1, 1901, decided to respond: "The common law, the rubrics, and the decrees of the Sacred Congregation of Rites are to be observed." FROM THE SACRED CONGREGATION OF INDULGENCES, PARIS. A decree stating that all sodalities, both existing and those to be established, can enjoy indulgences by joining the Parisian Archisodalitas under the title of the Most Holy and Immaculate Heart of Mary for the conversion of sinners. In Paris, in the church dedicated to the Most Blessed Virgin of Victories, a pious sodality was canonically erected under the title of the Most Holy and Immaculate Heart of Mary for the conversion of sinners, which not long afterwards was raised to the rank of Archisodalitas by the Apostolic See, with the faculty of adding other sodalities of the same name and institution to itself, and of granting them their own indulgences. How pleasing such a society has been to the Mother of God, and how salutary it has proven to be in the Church, is clearly demonstrated by the spiritual graces which the merciful God has generously bestowed upon it, and which are abundantly poured out upon its confreres for the purpose of obtaining the conversion of sinners. Although almost countless similar sodalities have been joined to the aforementioned Archisodalitas throughout the Catholic world.

[*Latin ed. p. 310*]

310 FROM the Decree concerning Indulgences, it has come to pass that, although some time has elapsed, certain Bishops have directly requested and obtained the faculty of establishing the aforementioned confraternity within their dioceses, with the Indulgences granted by the Parisian Archsodalit, without, however, requesting its aggregation; and therefore, these confraternities, lacking any bond of union, exist in several places, separated from that which is the mother and head of all. This arrangement, besides granting a privilege to the confraternity, namely the power to aggregate others, also brings with it a considerable disadvantage, namely, the lack of that universal connection which, without doubt, has greater power in

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obtaining divine grace, so that, with the help of the Mother of God, sinners may be brought from the midst of vices to the path of salvation. Aware of all these things, the present Archbishop of Paris, having made supplications to His Most Holy Father Leo XIII, requested that he might be granted the authority to provide for all these matters. In response to these supplications, which were presented by the Cardinal Prefect of the Sacred Congregation for Indulgences and Sacred Relics, as indicated below, His Holiness, most graciously receiving them, decreed that all confraternities erected by the Ordinaries under the title of the Most Holy and Immaculate Heart of Mary for the conversion of sinners, shall henceforth enjoy Indulgences only by aggregating themselves to the Parisian Archsodalit; and with regard to confraternities already established elsewhere without the proper affiliation, the same Most Holy Father commanded that they should, as soon as possible, aggregate themselves to the aforementioned. This decree shall be enforced throughout the regions of Europe within one year, and outside of Europe within two years, from the date of this decree, all contrary things notwithstanding.

Given at Rome, from the Secretariat, on this 13th day of November, 1901.

S. CARD. CRETONI, Prefect of the Same Sacred Congregation.

L. & S. f FRANCISCUS SOGARO, Archbishop of Amiden, Secretary.

[*Latin ed. p. 311*]

311 FROM THE MOST RECENT DECREES OF THE HOLY CONGREGATION FOR RITES. Various Doubts.

1. Festivals attached to Sundays cannot be transferred to subsequent Sundays, nor to weekdays, whether accidentally hindered, or permanently.

2. The celebration of the feast of St. John Damascene, which was hindered, and other days assigned elsewhere, after its extension to the universal Church, must be celebrated according to the rubrics on their proper day.

3. In the case of a conflict between two feasts, namely, that of the Lord and that of the Blessed Virgin Mary, the doxology of the hymn will be that which is recited during the Vespers of the feast on which the complete Vespers are recited.

4. It is forbidden for a priest to carry a small statue of the Child Jesus in a procession, either with a veil over his shoulder or with an umbrella.

5. The practice of singing the conventual Mass after Terce, and of performing the procession after None, within the Octave of the Most Holy Body of Christ, is approved.

Reverend Joseph Fameli, Canon of the Penitentiary of the Cathedral Church of Tropien, and of the Dioceses of Nicotera and Tropien, humbly submits the following doubts to the Sacred Congregation for Rites, for opportune resolution, namely:

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I. Concerning Decree No. 3637, of Arezzo, dated June 18, 1885, regarding the proper Offices of the Blessed Virgin Mary, which are assigned to certain Sundays, and are to be omitted when hindered; it is asked:

1. Whether the prohibition of transferring such celebrations to other Sundays in this manner should also be understood to apply to other free days which are not Sundays, so that the aforementioned Offices cannot be transferred to these days either?

2. And, assuming an affirmative answer: Whether, in the case of a perpetual impediment regarding a particular Church, the aforementioned Offices, which are assigned to Sundays, must be entirely omitted?

II. In these Dioceses, the feast of St. John Damascene was celebrated on May 13th. But after Decree No. 3734, of Urbis et Orbis, dated August 19, 1890, which then regulated the calendars of these Dioceses, this Office, which had been hindered on March 27th,

[*Latin ed. p. 312*]

512 According to the Sacred Congregation of Rites, on March 9th, the "Prima" (First Vesper) following the feast day was to be celebrated freely, according to the rubrics and decrees. The question is asked: Should this Office be recited in the dioceses on the aforementioned day, March 29th?

III. When two feasts coincide, namely the feast of Our Lord and the feast of the Blessed Virgin Mary, both having their own concluding hymns, which should be retained and recited?

IV. On February 2nd, in the Cathedral Church of Troyes, (or elsewhere on the feast of the Epiphany of the Lord), the image or small statue of the Infant Jesus is removed from the manger and carried processionally, covered with a humeral veil and under an umbrella, to the main altar, where it is given for kissing to the Chapter and the clergy; but after the function, with the benediction of the Most Holy Sacrament, and this being placed in the tabernacle, the same image, by other priests, also with the same rite, is carried, namely with a humeral veil, with lights, and under an umbrella, to another altar, where it is offered for kissing to the faithful; the question is asked: Can this custom be maintained?

V. During the Octave of the Most Holy Body of Christ, in the Cathedral Church of Troyes, a procession is held daily after the Non (Ninth Hour) with the Most Holy Sacrament, but the Conventual Mass is celebrated after the Third Hour before the Most Holy Sacrament is exposed. The question is asked: Can this practice be continued?

And the Sacred Congregation, after considering the report of the undersigned Secretary, and also having heard the opinion of the Liturgical Commission, after careful deliberation, decided to respond as follows:

I. Affirmative, to the first part, and affirmative to the second part.

II. Affirmative.

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III. The conclusion of the hymn of that feast should be retained, for which the complete Vespers are recited.

IV. Let the General Decree 2647, dated May 27, 1826, be observed (1): however, nothing prevents the procession with the image, even if it is carried processionally, without a humeral veil and without an umbrella.

V. Affirmative.

And thus it was written, on August 3, 1901.

DOMINICUS CARD. FERRATAS.

R. C. Prefect of the Sacred Congregation.

DIOMEDES PANICI, Archbishop of Laodicea, Secretary.

(1) See the dispositive part of the cited decree: "It is to be decreed and established as a rule to be observed everywhere, that in the future, no one, under any circumstances..."

[*Latin ed. p. 313*]

FROM THE SACRED RITUALS, 313, VIC, a doubt concerning altars, of which the sepulchers are not properly arranged, etc.

1. It is permitted, in a particular case, to celebrate Mass on altars of which the sepulchers are not properly arranged; and to consecrate them again with a shorter formula, even through delegated priests.

2. The same is permitted for altars which do not maintain the distance from the burial places of the dead, which should be approximately one meter.

The Most Reverend Joseph Torres and Bages, Bishop of Vich in Spain, humbly presents the following doubts to the Congregation of Sacred Rites for a suitable solution:

1. In the Diocese of Vich, many altars are found, the relics of which are covered not with stone, but with cement. Since, according to Decree S. R. C. of July 28, 1883, they require a new consecration, and this is very difficult, he humbly requests a remedy for this defect, so that Mass may be lawfully celebrated in the aforementioned altars, or at least a dispensation, by which he himself, or through delegated priests, may remove the cement from the sepulchers, and cover them with stone, and consecrate such altars with a shorter rite and formula.

He also requests that it be declared whether the same relics, which are found in the aforementioned altars, may be placed in them during a new consecration.

1. In some churches of his Diocese, altars are found which are not far from burial places. Among these are, especially, two: the first has sepulchers belonging to it, namely one extending for a single pace in front of the altar, which is 83 centimeters wide; the second is in the corner of the

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Gospel side, distant 80 centimeters from the altar, and the third is in the corner of the Epistle side, distant 81 centimeters. All these sepulchers are underground, and covered with hard stone, and no one has been buried in them for many years. Another altar has a sepulcher distant 90 centimeters.

"It is to be declared whether, even under the pretext of solemnity, devotion, piety, privilege, dispensation, tolerance, or a custom, however ancient, which the Fathers have declared not to be tolerated, it is permissible to ever carry the Relics of the Saints processionally under a baldachin: it is, however, to be tolerated and permitted that the Wood of the Holy Cross and other Instruments of the Lord's Passion, with particular attention to their veneration, and taking into account the almost universal custom, may be carried under a baldachin, provided that this is done separately and distinctly from the Relics of the Saints, to which this distinction of honor does not at all belong."

[*Latin ed. p. 314*]

314. EXAMINATION OF CUSTOMS: Due to the proximity of the tomb, which is almost attached to the very altar, and because the stone of the tomb is somewhat raised from the ground, the following questions are raised: 1. Can the Mass be celebrated in the two aforementioned altars, even if all or some of the tombs are present? 2. Is a distance of 80 or 90 centimeters sufficient from the altar, or must this distance be a full meter? And the Sacred Congregation, after considering the matter with the undersigned Secretary, and after hearing the opinion of the Liturgical Commission, decided that the following should be answered: Regarding the first question, it is permitted, in the meantime, to celebrate the Mass in the aforementioned altars, and to grant the shorter rite and formula for the new consecration, to be performed by the Bishop himself, or by simple priests delegated by him, with the substitution of the stone covering, where necessary, with another covering. However, the relics that are found in the aforementioned altars may lawfully be placed in the new consecration, if there is no doubt about their authenticity, and unless, due to the hardness of the cement, a mixture occurs between the relics and the grains of incense, which must be remedied. Regarding the second part, it is necessary to adhere to Decree No. 3944, Rome, January 12, 1897, and II (1). And thus it was written. August 30, 1901. DOMINICUS CARD. FERRATA, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary of the Sacred Congregation. (1) "II. What distance must there be between the altar and the bodies that are buried in cemeteries or churches? — II. The bodies must be three cubits distant from the altar, and three cubits are approximately one meter in length: and this distance of the tombs from the altar is sufficient."

[*Latin ed. p. 315*]

315 FROM THE SACRED CONGREGATION'S COLLECTION OF

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DOUBTS. Whether the color white or violet should be used in the Mass of the vigil of the Immaculate Conception. In the Mass of the vigil, the color violet is to be used. Immaculate Conception of the Blessed Virgin Mary: violet. DOUBT. The Sacred Congregation of Rites was consulted: "Whether the color white or violet should be used in the Mass of the vigil of the Immaculate Conception of the Virgin Mary?" And the same Sacred Congregation, upon the report of the undersigned Secretary, and also by the unanimous vote of the Liturgical Commission, after careful consideration, decided to answer the question as follows: Negatively to the first part, affirmatively to the second (1). And thus it wrote. On September 12, 1901. L. œ S. D. CARD. FERRATA, Prefect. D. PANICI, Archbishop of Laodicea, Secretary. (1) On several occasions, the Ephemerides concerning the vigil of the Immaculate Conception of the Blessed Virgin Mary have discussed, whether regarding the color of the vestments in the Mass, or regarding genuflection in the same, and have always, and consistently, although not with absolute certainty, but with some degree of probability, based on the argument of the absence of fasting, concluded that the color white should be used, and that genuflection should not be made in the Mass. This opinion was supported by the practice of the Most Holy Chapter of the Basilica of the Lateran. Contrary to the opinion of the adversaries, the Sacred Congregation approved of this decree and established that it should be observed, namely: that the color violet should be used in the Mass of the vigil of the Immaculate Conception of the Blessed Virgin Mary, and consequently, that genuflection should be made in it. Indeed, the vigil itself, and by its very nature and institution, is certainly a preparation for the feast, but a penitential one; therefore, it has become ingrained in the Christian people that, even privately, whenever someone wishes to prepare themselves for a feast worthy of celebration, they should do so with fasts, penances, and acts of humility, along with prayers. Hence, the vigil is always, in itself, a feria [weekday], and has very little in common with the feast; indeed, even the Mass, although it regards the feast, does not have everything pertaining to the feast, nor even the preface, although the feast itself would deserve it, and is celebrated with a weekday rite. Certain vigils are, of course, excepted from this rule, but for a special reason. Therefore, when the rubrics speak of vigils that are observed with fasting, and of vigils in which fasting is not observed, this refers not so much to the fact itself, as to the law, and that for the time when the rubrics were written. Hence, during the Paschal season, because fasting is not observed, the vigil was entirely omitted on the feast of the Holy Apostles Philip and James: it could certainly have been done as for the feast of the Ascension; but because the reasons that apply to the latter were not present, the vigil was entirely omitted. Therefore, the vigil itself suggests mourning and sadness, and is therefore to be celebrated with a weekday and penitential rite, unless a special reason prevents it, such as

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for the vigils of the Epiphany and the Ascension of the Lord, nor even Pentecost, although it is observed with fasting.

[*Latin ed. p. 316*]

516 FROM THE UNPUBLISHED DECREES OF THE SACRED RITUALS OF THE CITY AND THE WORLD. Saint Joseph, Spouse of the Blessed Church, is declared its Patron, and his feast day is elevated to the first class. Most Venerable, just as God appointed Joseph, that son of Jacob the Patriarch, to be overseer of all the land of Egypt, so that he might preserve the grain for the people, so too, at the fullness of time, when He was about to receive His only-begotten Son into the world as the Savior of mankind, He chose Joseph, of whom the former was the first type; and He made him Lord and Prince of His house and possessions, and chose him as the guardian of all His treasures. Since he had as his bride the Immaculate Virgin Mary, from whom our Lord Jesus Christ was born of the Holy Spirit, and since He deigned to be considered the son of Joseph, and was subject to him, and since that Joseph, whom so many kings and prophets had longed to see, not only saw Him, but also conversed with Him, embraced Him with paternal affection, and kissed Him, and furthermore, nourished Him so that the faithful people might receive Him as bread descended from heaven, to attain eternal life. Because of this sublime dignity which God bestowed upon this most faithful servant, the Church has always followed Saint Joseph, after the Divine Virgin, His Spouse, with the highest honor and praises, and has implored his intercession in times of trouble. However, since the Church itself is now beset on all sides by enemies and oppressed by more grievous calamities, so that impious men seem to be about to prevail against her, therefore, the Most Venerable Sacred Ministers of the entire Catholic world presented their petitions, born of the care and concern of their Christian faithful, to the Supreme Pontiff, in which they requested that he would deign to establish Saint Joseph as the Patron of the Church. Then, when these same requests and desires were renewed in the Sacred Ecumenical Council of the Vatican, the Most Holy Pope Pius IX, moved by the most recent and sorrowful state of affairs, in order that he and all the faithful might commit themselves to the powerful patronage of the holy Patriarch Joseph, wished to satisfy the desires of the Sacred Ministers, and solemnly declared him the Patron of the Catholic Church.

[*Latin ed. p. 317*]

FROM THE EDICT OF RITES 517, the city of Karlova, and the feast day of its patron, which falls on the nineteenth of March, are ordered to be celebrated in the future under a double rite of the first class, but without an octave, because of the observance of Lent. Furthermore, it is decreed that on this day, the sacred rites pertaining to the most holy Virgin Immaculate and to the most chaste Joseph, her Spouse, shall be celebrated, and that

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this declaration shall be made public by the present Decree of the Congregation of Sacred Rites. Notwithstanding any objections that may arise. On the eighth of December of the year 1870. The Most Reverend Bishop of Ostia and Velletri, Cardinal PATRIZI, Prefect of the Sacred Congregation, and the Most Reverend BARTOLINI, Secretary of the Sacred Congregation. TO THE MINOR ORDER OF SAINT FRANCIS: The Reverend General Minister of the Order of Friars Minor is granted the faculty of blessing and bestowing the scapular of the Most Holy Virgin, and for this purpose, to delegate others of the CAPUCHIN Order. From this, the devotion of the faithful towards Saint Joseph, Spouse of the Virgin Mother and Patron of the Catholic Church, has been increased in the sacred liturgy; and the custom of blessing and bestowing the scapular in his honor, with the approval and encouragement of the Sacred Authorities, has flourished, especially in the regions of Gallus, Helvetia, and Belgium. Regarding the propagation of this devotion, the members of the Order of Friars Minor of Saint Francis, particularly the Capuchins, in the aforementioned regions, have constantly striven. Therefore, the Reverend Father Bruno, of Valladolid, Procurator and General Definitor of the entire Order, humbly petitioned the Apostolic See; that the Reverend General Minister of the Order, for the time being, be granted the faculty of blessing, and of bestowing the aforementioned scapular upon the faithful of both sexes, with the power to delegate priests, both secular and regular, for the blessing and bestowal of this scapular. These petitions, presented to the Most Eminent and Reverend Lord Cardinal Raphael Monacola Valletta, Bishop of Ostia and Velletri, Advocate for the Cause, and related to the Congregation of Sacred Rites at a meeting held at the Vatican, were...

[*Latin ed. p. 318*]

518 FROM THE SACRED RITUALS: The Fathers, appointed to safeguard the sacred rites, having thoroughly examined all matters, and having heard the voice and the written communication of the Reverend Father Augustine Gapara, Promoter of the Holy Faith, deemed it necessary to respond: "For the sake of expediency, if it pleases the Most Holy [See of Verona], under the condition that the form and appearance of the aforementioned scapular be the same as that which is already in use in the Diocese of Verona, and that the formula for the blessing and imposition of this scapular be that previously established in this Decree (1)." April 15, 1893. Subsequently, concerning these matters, the following was written to the Cardinal Prefect of the Sacred Congregation for Sacred Rites, in a report to His Holiness Pope Leo XIII; His Holiness approved and ratified the response of the Sacred Congregation itself on the 18th day of the same month and year. C. CARD. ALOISI - MASELLA, Prefect of the Sacred Rites. L. S. VINCENTIUS NUSSI, Secretary. FROM THE SACRED CONGREGATION FOR THE HOLY OFFICE: Concerning the genuineness

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and preservation of the species of the Most Holy Eucharist, to the Reverend Ordinaries of the places. Illustrious and Reverend Lords, Numerous and varied doubts concerning the matter (bread and wine) of the Most Holy Sacrament have been presented to this Congregation. For it has come to pass that some unscrupulous merchants have, through malice, adulterated flours by mixing them with substances from other plants, and even mineral substances; and they do not hesitate to make wines, either entirely or in part, not from the genuine fruit of the vine. And it is not uncommon for it to be very difficult, even for experts, to recognize such frauds; therefore, it is not without reason that doubt has arisen as to whether (1) See Roman Ritual, in the Appendix.

[*Latin ed. p. 319*]

FROM THE MOST HOLY SACRED CONGREGATION OF THE INQUISITION 319, so that the consecration of flour or hosts, and of wine, which are in commerce, may be lawfully and validly performed, and may be safely used. Since, as is evident, this matter is of the greatest importance, and, moreover, given the frequent adulterations of flours and wines, one cannot but doubt; therefore, the Most Eminent Cardinals and Inquisitors General, desiring to arouse the pastoral solicitude of the Most Reverend Ordinaries, have decreed that, through accurate investigations, if any abuses are discovered, they should strive to eradicate them completely, and that they should diligently take care that nothing be done in their own jurisdictions that is contrary, in any way, to the regulations for the conservation of the Sacred Species, which are handed down by approved authors, and which are especially contained in the Rubrics of the Roman Missal, whatever they may be. Whenever, indeed, there is doubt as to whether flour or hosts, or wine, are genuinely suitable for use in the Holy Sacrifice of the Altar, Priests should be absolutely prohibited from using them, and they should be taught the proper method of obtaining genuine materials. Furthermore, concerning Masses celebrated with doubtful materials, recourse should be had to the Holy Congregation. And so, as is fitting, when I communicate with Your Eminence, I gladly seize the opportunity to offer prayers to the Lord for your good and happy endeavors. Given at Rome, from the Holy Office, on the 30th of August, 1901. L. M. CARD. PAROCCHI.

DOUBT concerning water mixed with mercuric bichloride, for use in the baptism of infants.

Most Blessed Father, the Archbishop of Ultraject, prostrate at the feet of Your Holiness, humbly presents the following:

Several physicians, in hospitals or in other cases of necessity, often baptize infants, especially those still in the womb, with water mixed with corrosive mercuric bichloride (French: Chloride de mercure). This solution is composed of approximately one part of this mercuric chloride in a thou-

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sand parts of water; and this solution...

[*Latin ed. p. 320*]

520 FROM the Sacred Congregation of the Holy Office. Concerning a poisonous water. The reason why this mixture is used is because it is said that women are afflicted with a uterine disease. Because of this, and for the most serious security of the matter, I earnestly implore Your Holiness to deign to resolve these doubts: I. Is Baptism administered with such water certainly, or perhaps dubiously, valid? II. Is it permissible, in order to avoid all danger of disease, to administer the Sacrament of Baptism with such water? III. Is it permissible even to use this water, when pure water can be used without any danger of disease? Thursday, August 21, 1901. In the General Congregation held by the Most Eminent Cardinals, General Inquisitors, after the aforementioned doubts had been proposed, and after the vote of the Most Reverend Fathers of the Holy Office had been taken, the aforementioned Most Eminent Fathers judged it fitting to respond as follows: To 1. It will be provided. To 2. It is permissible, where there is a true danger of disease. To 3. Negatively. Subsequently, on Saturday, the 23rd day of the same month and year, during the usual audience granted to the Most Reverend Father, the Commissary of the Holy Office, the Most Holy Lord Pope Leo, Divine Pontiff, after hearing all and each of the aforementioned matters, confirmed the responses of the Most Eminent Fathers. I. CAN. MANCINI, Secretary of the Holy Office.

[*Latin ed. p. 321*]

321 Letters of the Most Holy Pope Leo XIII to the Ordinaries of Bohemia and Moravia concerning the question of languages. August 20, 1901. We are aware of the condition of your churches, and it is clear to Us that, almost everywhere, they are full of anxieties and cares. A particularly grave matter has arisen among you, namely that, while the Catholic host is exposed to the envy and malice of external enemies, it also has internal causes that contribute to its division. For while the efforts of heretics are openly and secretly directed towards corrupting the minds of the faithful, the seeds of discord are daily sown among Catholics themselves; and there is nothing more effective in weakening and destroying a steadfast spirit. Furthermore, the reason for this division, especially in Bohemia, must be attributed to the language, which the inhabitants use according to their origin. For it is natural for people to love and cherish the language of their ancestors. We have indeed decreed that We should abstain from resolving disputes on this matter. The protection of the native language, if it remains within certain limits, does not deserve reprehension; but, as other private rights are valid, so too it must be held that this is valid here; and nothing must be done that would allow the common good of the republic to suffer from the persecution of these matters. It is the duty of those who administer the

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republic, with due regard for justice, to desire the integrity of all individual rights, so that the common good of the state may remain and flourish. As for Us, We remind you of our duty to be diligent, lest religion, which is the source of all good and the origin of other goods, be endangered by such controversies. Therefore, Venerable Brothers, We earnestly desire and exhort all those entrusted to your care, even if they differ in origin and language, to maintain that most noble bond of affection that is born of the communion of faith and the same sacraments. For all who have been baptized in Christ have one Lord and one faith; and therefore they are one body and one spirit, just as they are called to one hope. It is fitting that those who are united by so many holy bonds and who seek the same citizenship in heaven should not be divided by earthly reasons, provoking each other, as the Apostle says, provoking each other, Acts, Vol. XXXIV, page 21.

[*Latin ed. p. 322*]

522 Letters of Reproof. — Therefore, this kinship of souls, which comes from Christ, must be constantly instilled in the faithful and promoted with all diligence. "For the fatherhood of Christ is greater than that of the flesh; for the brotherhood of the flesh refers only to the likeness of the body; but the brotherhood of Christ demonstrates the unity of heart and soul, as it is written: There was one heart and one soul among the multitude of believers" (1). Indeed, the example of men of the sacred clergy ought to be a model for others. Moreover, since they are bound by the duties of their office, they must avoid any kind of discord; if they are present in places inhabited by people of various kinds and languages, it is easy for them, if they do not abstain from all appearances of contention, to fall into hatred and offense towards one side or the other; and nothing is more harmful to the sacred ministry than this. The faithful, therefore, must always recognize the ministers of the Church and esteem them highly, not for what they say, but solely for what pertains to Jesus Christ. If this is known to all, that the disciples of Christ are recognized by their mutual love; then it is all the more necessary that this mutual love should be fostered among men of the sacred clergy. Not only do they deserve to be esteemed for having imbibed the charity of Christ, but also because each of them, when speaking to the faithful, ought to be able to use the words of the Apostles (2): "Be ye followers of me, even as I am of Christ." Indeed, it is easy to see that this is achieved with great difficulty, unless the elements of discord are completely eradicated from their hearts, especially when those who are being formed in the hope of the clergy are being educated in sacred seminaries. Therefore, Venerable Brothers, take great care that the students of the seminaries may learn promptly to love each other with a simple and sincere fraternal love, so that they may be incorruptible, not by the corruption of the world, but by the incorruptible word of the living God (3). — But restrain with firmness any disturbances of the spirit, and do

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not allow any kind of strife to arise; so that, even if they are destined to be "of one lip, because they have forsaken the origin of division," they may certainly be one heart and one soul. From this concord of will, which shines forth in the order of the clergy, there will, as we have said, be, moreover, this advantage...

(1) S. Maxim, inter Serai. S. Aug. C.

(2) Philipp. III, 17.

(3) Petr. I, 22 s.

[*Latin ed. p. 323*]

Letter 325: We lament that the sacred ministers do not sufficiently urge the faithful, lest they, in defending and safeguarding the proper rights of their own nation, should excessively neglect justice and the common good of the republic. And considering the circumstances of your regions, we believe it to be a most important duty of the priests to opportunely and earnestly exhort the faithful to love one another; and to constantly remind them that it is not fitting for a Christian to fail to fulfill the new commandment given by Christ, namely, that we love one another as He loved us. But he does not fulfill it who considers charity to pertain only to those who are connected to him by language or lineage. For, as Christ says, "Do you love those who love you? Do not the publicans do the same? And if you salute your brethren only, what do you do more than others? Do not the Gentiles also do the same?" Indeed, (1) the characteristic of Christian charity is that it extends to all; for, as the Apostle warns, there is no distinction between Jew and Greek; for God is the same for all who call upon Him (2). But God, who is charity, generously imparts wisdom to all, so that they may be of one mind, thinking the same things, without contention; but rather, considering themselves superior to one another in humility; not seeking what is advantageous to themselves, but what is advantageous to others (3). May these be a witness to our benevolence and an apostolic blessing, which we most lovingly bestow upon you, Venerable Brothers, and upon all the faithful entrusted to your care, in the Lord. Given at Rome, near St. Peter, on the 20th day of August, in the twenty-fourth year of Our Pontificate.

(1) Matthew 5, 46.

(2) Romans 10, 12.

(3) Philippians 2, 2.

[*Latin ed. p. 324*]

324 FROM THE HOLY CONGREGATION OF THE COUNCIL OF TOURNAY. DECREE OF MATRIMONIAL DISPENSATION, January 26, 1901, and August 17, 1901. Session 24, chapter 5, Concerning impediments to marriage. SUMMARY OF THE CASE. Gustavus, of the diocese of Tournay, on February 23, 1895, after the customary civil formalities, was

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joined in marriage before the Church with Mary, of the diocese of Mechlin. - But this marriage was soon followed by a most unfortunate outcome; indeed, if what is reported is true, it appears that Mary entered into this marriage for the purpose of restoring legitimate offspring to a child, born three years prior, through a civil contract. Therefore, according to Gustavus's testimony, the spouses used the marriage bed on the first night; but the woman, due to a certain temporary infirmity, refused to consummate the marriage, and on the following morning left her husband and went to stay with her mother. After ten days, she returned to her husband, and slept with him that night, but, as is said, she was unable to perform the marital duty; therefore, she again left the marital home the day after, never to return. This state of affairs having arisen, the man, in order to have another woman as his companion, first obtained a favorable decree of divorce from the civil court, and then appealed to the Most Holy Father, imploring that he might be dispensed from the valid, but unconsummated, marriage. The prayers were sent to the Ordinary of Tournay, requesting that he institute proceedings regarding the alleged lack of consummation of the marriage. And in truth, the Court of Tournay, duly constituted as a tribunal, examined the man and heard seven witnesses, who gave full testimony regarding the honesty and veracity of the plaintiff; the woman, however, having been summoned three times, did not obey the mandate of the judge on each occasion.

[*Latin ed. p. 325*]

TOURNAY. 325 Consequently, upon the proceedings being completed, the Bishop of Tournay, transmitting the acts to the Sacred Congregation, simultaneously indicated the following: "If it may be permissible to express an opinion, all things conspire to clearly demonstrate the lack of consummation of the marriage. Whether one considers the words which, according to trustworthy witnesses, Gustavus uttered at a time not under suspicion, or the extraordinary circumstances of the affair, or finally, the testimonies of the seventh hand, it seems entirely certain that the marriage was not consummated, and none of those who have learned of all the facts have ever doubted this. "Maria, who leads a life of prostitution, having been summoned by the judge of Mechlin, refused to appear, and it is the conviction of all that she intended in this entire affair only one thing: to obtain legitimation for her daughter before the civil authorities, and simultaneously to seize the money which she believed Gustavus possessed. "However, with regard to the alleged wealth of Gustavus, it should be noted that he scarcely possesses eight or nine thousand francs; a sum which, considering the conditions of our Belgium, is by no means sufficient for leading a life from day to day; and indeed, Gustavus easily obtained from the civil authorities that his case be heard free of charge. Therefore, I humbly request that, through the benevolence of the Most Eminent Fathers, the proceed-

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ings may be treated in a summary manner and be expedited." SYNOPTIC ACCOUNT. VOTE OF THE CANONIST. The Sacred Congregation having ordered it, the Ordinary Bishop of Tournay decreed the completion of the proceedings, establishing a bond for the spouses, which, however, the wife, who is otherwise known to lead a life dedicated to vices, stubbornly refused to provide. Following the customary procedure, we must inquire of two things, namely, whether, from the examination of the judicial acts, it is established that the marriage was not consummated.

[*Latin ed. p. 326*]

326 From the Most Holy Council, a dispensation is requested for sufficient reasons. Regarding the first point, the matter is certainly not without difficulty, since we are dealing with marriage, which, by the presumption of law, is presumed to have been validly consummated. However, what is vehemently, and sometimes even necessarily, presumed to be true, is not always actually true; therefore, truth must always take precedence over any presumption, both legally and justly. But even when both parties are capable of marriage, repeated attempts to overcome the presumption can exceed its limits, or can cause "the marriage to lose its quality and its name." Ursaias, *Disciplina Ecclesiastica*, Vol. II, Part I. This seems to apply particularly to spouses who are already adult and accustomed to vice, indeed, even to those who are weary of it. Most importantly, the evidence presented is such that it demonstrates that, at least on the part of one of the spouses, the marriage was more of a political arrangement than one entered into out of affection. Furthermore, this seems to have been the case in the present matter. The actions of Maria testify that she was a prostitute, and that she led Gustav to believe that, in order for him to acknowledge a son born to her approximately two years prior from illegitimate relationships, he would relinquish his surname. "Gomme, the lawyer for Gustave, informed me that he had been asked to investigate the conduct of his wife: for this purpose, I contacted the police commissioner of Saint-Josse, where Maria resided, and I learned the most unfavorable things about her. She is a veritable public woman, whose house would even have been open to all comers. The woman had a child before the marriage; and they legitimized it through the marriage." Thus testified Victor Gauthier, a lawyer, under oath before the ecclesiastical judge. In the same sense, another witness, Leopold Huet, testified: "In order to do a service to Gustave, I decided to attempt to speak with Maria. When I arrived, the appearance of the house did not bode well. I inquired in two neighboring houses, where I learned that Maria was a sort of public woman."

[*Latin ed. p. 327*]

TORNACEN. 527 Ad Gustavum autem, quod spectat, integra septima manus testatur, virum esse mirae simplicitatis, honestum, religiosum, ve-

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racem, ita ut quae de non consummato suo matrimonio ipse declaravit tanquam veritati consona haberi debeant. Unum vel alterum testium audiamus. Actoris parochus: « Gustave est un esprit très singulier; c'est un paroissien tout ordinaire remplissant généralement ses devoirs religieux. Quant à la parfaite sincérité de sa déposition, j'estime qu'elle est absolument hors de doute ». Aemilius Tamine: « Je connais Gustave depuis son arrivée à Soignies. C'est un brave et honnête homme, il fait ses devoirs religieux et je suis convaincu que tout ce qu'il a dit est parfaitement vrai ». Joël Soumillon: « Je connais Gustave depuis un an que je suis son voisin. Je le regarde comme un homme religieux et honnête, un peu bonasse (simplex) et je suis convaincu qu'il dit l'exacte vérité ». Edmundus Boetz: « Je regarde Gustave comme un homme honnête et religieux, et je suis persuadé que tout ce qu'il a dit dans sa déposition qu'on vient de me lire est parfaitement vrai ».

Ex his iam quae ipse actor coram iudice sub i religione declaravit haec transcripsisse iuvabit: « Dès la première nuit je réclamai de mon épouse l'accomplissement du devoir conjugal. Elle s'était mise au lit couverte d'une partie de ses vêtements. Elle me dit qu'elle était malade, qu'elle était dans sa mauvaise semaine et qu'il ne pouvait être question de cela. Quand elle vint à Soignies, dix jours plus tard, elle se mit au lit complètement vêtue et me déclara qu'elle ne s'était pas mariée pour avoir des enfants et que si je la touchais, elle se jetterait par la fenêtre. Là dessus je n'insistai; à Bruxelles non plus je n'avais pas insisté. Je compris que j'avais été trompé. Arrivée á dix heures du matin, elle repartit le lendemain. Je ne l'ai plus jamais revue par la suite ».

[*Latin ed. p. 328*]

328 From the Secret Council: When asked whether he had revealed anything to anyone at a time when there was no suspicion, he replied that he had immediately told Leopold Huet the whole story. And indeed, we know that this witness went to Brussels in order to reconcile the woman with her husband. Nor did he entrust his secret only to the aforementioned witness at that time, when, indeed, there was no suspicion. Thus, another witness, Edmond Boetz: "Everything I know about him, I know from Gustave. He told me exactly what he said in his deposition, which I have just read. It was through him that I learned that Mary had refused to fulfill her marital duties. He told me this immediately afterwards. He has never stopped saying it." But even the third witness declared before the judge that he, too, had learned the same secret from the accuser: "When Gustave told the court that he had confided in Mr. Boetz and Huet, he probably did not remember that he had also spoken to me about his affair in the same terms." Considering all these circumstances and judgments, it certainly seems that there are morally sufficient arguments that would persuade a prudent judge that the marriage in question was not fully consummated, but simply remained

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valid. It remains to inquire whether there are also sufficient reasons and causes in this case that would lead the Pope to grant a dispensation. Indeed, among such causes, a serious estrangement of affections is counted, which deprives all hope of reconciliation, to which all agree (Cf. Sanch. L. II, disp. 16, n. 3); indeed, even if it were sufficient by itself, because from this easily arise discord and animosity, both between the spouses themselves, and between relatives and in-laws. In this case, it is evident that the spouses were animated by such reciprocal aversion and enmity. When the witness L. Huet went to Brussels in order to bring the woman to better feelings towards her husband, she replied: "that she would rather throw herself onto the tracks of the railway than allow herself to be touched by that dirty pig."

[*Latin ed. p. 329*]

TORNACEN. 529 Concerning the husband himself, we know that he introduced a cause for divorce before a secular judge and obtained a sentence whereby all hope and possibility of reconciliation is excluded. Furthermore, from the same sentence, it appears that Mary did not denounce any illicit commerce and that she was engaged in continuous adulteries. And in this matter, there is another reason which is not insignificant for granting a dispensation from the marriage simply ratified. Finally, one may doubt whether such a marriage ever truly existed, since the woman seems to have entered into it more out of jest than out of seriousness, denying the conjugal duty on that account, because she did not enter into the marriage in order to procreate children; "elle ne s'était pas mariée pour avoir des enfants," and thus, by excluding the primary purpose, she rendered the marriage contract itself null.

OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE OFFICE. The conjugal bond, which on February 25th of the year 1895, Gustavus, being 42 years of age, contracted with Mary, proclaims an imperfect work. If you listen, the newlyweds remained in the bride's house on the first night of their marriage, and although they used the marital bedchamber, the wife refused to indulge in conjugal relations. The day after the wedding, the husband returned to his own home. Ten days later, the wife visited the husband's home, spent the night sleeping with the husband, but did not allow herself to be touched by the husband, and after 24 hours, that is, at 10 o'clock on the following day, she bid the husband farewell, not greeting him again. The matter concerns spouses, both of whom were apparently fit for conjugal duties, but abstained from intercourse; for Gustavus had already lost his wife, who had died, and Mary, in turn, had conceived a child from a clandestine relationship for three years, which, if we add credence to the plaintiff's testimony, she had informed Gustavus of. Cardinal De Luca considers it almost impossible to demonstrate the lack of consummation in these circumstances: "A great difficulty existed for me"

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(thus he, De Matrim., disp. 9, n. 15), "because it concerned a widow, who had already slept with the man, and therefore I did not see how I could prove the negative of consummation."

[*Latin ed. p. 330*]

330 From the decrees of the Holy General Council concerning marriage, although it is not entirely impossible to justify [this situation], nevertheless it seems too difficult, so much so that the difficulty is of a kind that borders on impossibility. Most esteemed sirs, the judge of Tournay and the canonist consultant are concerned that Leopold Huet, Edmund Boëtz, and Homerus Destrait testify that they heard from Gustav that Mary had separated from her husband, and therefore, at a time that the opposing parties do not consider suspicious. But that time seems to me to be highly suspicious, since the spouses had already been separated from each other without any hope of reconciliation. Nor does it help the matter that Leopold Huet reports that he heard it from Mary herself, "that she would rather throw herself onto the rails of the railway or into the Seine than allow herself to be touched by that dirty pig." For indeed, there is no small suspicion that Gustav, before uniting himself to Mary in marriage, was ignorant of her depraved morals; and that, having perceived this, he vented his anger. Hence, Leopold Huet, who was sleeping in an adjoining room, testifies: "I heard a noise, sobs, and cries." The spouses, driven to desperation, seek advice from a lawyer, who tells them that the non-consummation of the marriage is like a plank in a shipwreck. Upon learning this, the spouses conspire and publicly declare that the marriage is unconsummated. This collusion is always to be feared in the joint confession of the spouses, as the Pope Celestine III states in chapter 5, De eo qui cognoscit, cons. etc. - there - "We respond to your fraternity that, because of their confession alone, they should not be separated, since sometimes some people wish to conspire against the marriage... However, the rumor of the neighborhood is not to be considered so valid that, unless reasonable and trustworthy proofs are added, it can properly invalidate a valid marriage." But in the present case, the collusion is to be feared for a certain reason, because it concerns spouses who are extremely frivolous, since they entered into marriage for a fleeting time. Gustav says: "I..."

[*Latin ed. p. 331*]

TORNACEN. 331 "It was around the month of October 1894 that I met Mary. I had placed an advertisement in the newspaper *Le Soir* of Brussels, stating that a widower, of such an age, desired to marry. I then received a letter from Mary in which she stated that she wished to meet me. This occurred around the month of October 1894. I then went to her home, and after the meetings we had, I believed I could judge that the matter was serious." I lament that the judge and investigator, concerned about the danger

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of collusion, did not question a sufficient number of witnesses regarding this matter. Indeed, he did not question witnesses from the woman's side, or from her family or neighborhood; the examination of such witnesses cannot be neglected according to the decrees of canon law, lest the judgment be tainted with the flaw of nullity, as Sánchez De Matrim, book 7, chapter 108, paragraph 9, states. The Sacred Congregation of the Council, responding to a query from the Archbishop of Warsaw, wrote on June 16, 1894: "Is it necessary, in cases of nullity of marriage, for any reason whatsoever, to require the presentation of witnesses of the seventh degree, or is this only to be observed in cases arising from the head of impotence, and can it be omitted in all other cases?" The response was: "No, to the first part, and the testimony of the seventh degree, strictly speaking, is not required to corroborate the confession of the spouses regarding the lack of consummation of the marriage." PROCEEDINGS. The present controversy concerning the dispensation of marriage, initiated between Gustav and Mary, was proposed on January 26, 1901, under the usual formula of inquiry: Whether consultation should be sought from the superiors regarding a dispensation from a marriage that is valid but not consummated in this case; to which the response was: "Let the proceedings be extended and completed." The Ordinary of the place has been instructed: "to examine other witnesses who are to be called by office, and to ensure that the seventh degree of the woman's relatives is examined, namely, her relatives, who are presumed to know something about the lack of consummation of the marriage; it seems particularly appropriate to investigate if witnesses..."

[*Latin ed. p. 332*]

332 FROM THE DECREES OF THE COUNCIL, something must be known before the cause for the dispensation is introduced." The Bishop of Tournay, concerned in equal measure, in accordance with the aforementioned instruction, questioned new witnesses, whose testimonies are appended here. The parish vicar said: "I would not dare to say that Gustave is a deeply religious man; however, he does retain religious sentiments; he is an honest man, and I believe that in his testimony he was absolutely sincere." "All that I know about Mary is what I have heard said here and there: she lives in Brussels in a disreputable neighborhood where the Dean and his vicars do not dare to venture, even in broad daylight." "I have heard it said that she refused to fulfill her conjugal duties." "Mr. the Dean, by others whom I cannot identify. It was a rumor like so many others; I did not attach any importance to it at the time; it was shortly after the marriage, and I could not even imagine that it would ever come to be testified before a tribunal."

OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE, BY OFFICE. In the case of the marriage, which on February 25, 1895, Gustave, a widower, contracted with Mary, already forty-two years of age, and which

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was disputed in the general assembly on January 26, 1901; the Sacred Congregation decided to respond to the written request with the following: "Let the proceedings be extended and completed." To this end, the prelate of Tournay questioned several witnesses, but none of them knew Mary. He reports: "As for the woman's seventh degree of kinship, all attempts to ascertain it have failed: for this woman is such that she lacks a certain genealogy, and, wandering here and there, she has no neighbors. Who she is, what her origin, what her mother's family, is unknown. Therefore, it is not surprising that the supplementary proceedings, which I now submit to Your Eminence, are silent regarding the woman's seventh degree of kinship."

[*Latin ed. p. 333*]

TORNACEN. 333. Nor do I believe that the matter is entirely as the Most Reverend Prelate reports. However, despite this, it cannot be overlooked that, in both sides of the case, the testimony of the seventh witness must not be disregarded, lest the judgment be tainted by a flaw of nullity, as Sánchez states, *De Matrimonio*, Book 7, Disputation 108, number 9. And the Holy Congregation, in response to an inquiry from the Archbishop of Warsaw: "Is it necessary, in cases of nullity of marriage, for any reason, that are brought before a spiritual judge, to present witnesses of the seventh witness? Or is this only to be observed in cases arising from the head of impotence, and can it be disregarded in all other cases?" replied on June 16, 1894: "No, to the first part, and the testimony of the seventh witness, strictly understood, is not required to corroborate the confession of the spouses regarding the lack of consummation of the marriage." Moreover, in the present case, the woman was not examined, since she, having been questioned, refused to appear in court; and, if the marriage were truly not consummated, it would be attributable only to the woman. With these premises established, the question to be considered was: Should consultation be sought from the Holy Office regarding a dispensation from a valid but unconsummated marriage? RESOLUTION. After deliberation by the Holy Congregation on August 1, 1901, it was decided to respond: Affirmative.

[*Latin ed. p. 334*]

554 FROM THE SACRED CONGREGATION OF THE COUNCIL OF ARIAN, and the SURRENTINA PENSION, dated December 14, 1901. Through summary petitions. SUMMARY OF FACTS. In a petition submitted to the Sacred Congregation, Franciscus de Simone, Archpriest Canon of the former Cathedral Chapter of the place of Vico Equense, in the Archiepiscopal See of Sorrento, referred to the title of St. Patrimony, and stated that, by Royal Decree of the year 1859, he had received a pension of 40 ducats per year, imposed upon the Arian Episcopal See in Apulia.

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And in the same petition, he noted that this pension had been paid by the Bishop until the year 1899, at which time it ceased entirely, stating that he had been burdened with this pension, reserving one-third of the revenues for the payment of pensions; and that this one-third, having passed to the State, this burden had become entirely null. The civil government to which the canon had recourse responded that the Bishop was obligated to pay the pension. The Arian Bishop, rejecting this burden, stated in a letter dated March 18, 1901, that "the one-third, upon which the Neapolitan kings imposed the pension on larger benefices, had reverted to the Crown of Italy, and therefore, these old pensions were to be paid by the same." In response to the Bishop's observations, a letter was sent to him, urging him to seek a legal opinion on the matter of Canon Law concerning De Simone, and at the same time, to request from the State that compensation which, according to current civil laws, it was permissible to obtain. The Bishop sent another letter dated July 31, 1901, and stated that he could obtain nothing from the State except a reduction of the taxable portion, and not a reduction of the tax or imposition itself, to the sum of 170 livres. The Bishop, however, maintained that he was most likely exempt from the burden of paying the pension, because the assets belonging to the third, with which assets the pension was paid, had been seized by the State; and therefore, the consequences followed.

[*Latin ed. p. 335*]

ARIANS. AND SURRENTINA 335, the goods to which they belonged, and these must be borne by the current owner of the goods. - However, this reasoning does not seem entirely convincing, if the pension was not imposed as a real, censual, mortgage, or servitude obligation on certain and specific properties, but rather it appears to have been imposed on the Episcopal Table, whose revenues, by concession of the Holy See, were subject to distribution by the Prince, who in turn granted pensions to poorer priests. Furthermore, the Bishop does not seem to be able to claim a right established by the celebrated decree *Cum nuperrimis*, issued on January 28, 1871, by the Sacred Congregation for Extraordinary Affairs and Regular Canons, since this decree intends to provide assistance to those who have begun to enjoy a benefice with certain revenues, which these same beneficiaries later have greatly diminished due to taxes imposed by the civil government. Indeed, the decree addresses the miserable condition of the beneficiaries, stating: "Among the most serious things perceived by those instituted in these august offices (benefices), it was that they are urged to pay pensions by those whose favor was legitimately imposed and reserved upon them in the act of collation." And it is clear that this has always been the intention of the Sacred Congregation for Extraordinary Affairs and Regular Canons in resolving such matters, as evidenced by several responses given by this Congregation, as can be seen from the rescript

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issued by the same Congregation in Calataieronen, on May 18, 1896. - When it was inquired whether the Bishop was entitled, in the payment of the pension imposed on him for 3936.25, to retain the tax paid by him under the title of succession in acquiring the benefice, as well as to retain the difference of 13 to 20% increase on movable property, which the Bishop had suffered after acquiring the benefice, in the second question, "Whether and how the aforementioned Bishop of Calataieronen is obliged to return to R. D. Bongiorno what was retained regarding said pension in this case," the rescript stated: "Affirmatively in all respects, except for the rate due for the recent increase in the tax on movable property to be paid by the pensioner."

[*Latin ed. p. 336*]

336 FROM THE DECREE OF THE COUNCIL: It is a general principle that: "A diminution that supervenes yields to the damage of the titular, and not to the pensionary, provided that a suitable amount remains; " this rule is thus explained by Cardinal De Luca in *De pensionibus*, Disp. 9, n. 4: "Since the titular is the lord of the fruits, the diminution of those fruits must yield to his damage, and not to that of the pensionary, just as, conversely, his benefit must yield to an increase, without the pensionary being able to claim any share in it, since increase and diminution are the consequence of ownership." Furthermore, the Council of Trent, in Session 24, chapter 14, *De ref.*, decreed that a suitable amount should always be preserved in both parochial and episcopal benefices, and that it should be considered immune from pensions and from any burden. The aforementioned decree *Cum nuperrimis* recalls this, stating: "However, with regard to cathedral (or episcopal) churches and parochial churches subject to the burden of pensions, it has expressly been decreed (by the Most Holy Lord Pope) and prescribed that, for their benefit, the suitable amount must always be preserved intact in the pensions to be paid by him, and that the suitable amount must remain safe, according to the form of the Council of Trent." And the same Congregation, on May 30, 1873, in response to the following questions: I. Are the amounts of 100 and 1000 Ducats to be understood as fixed or rather as demonstrative; and, in the affirmative for part 1, in the negative for part 2? II. Does the obligation of the titular to pay pensions cease for parishes or episcopal benefices, provided that the income is 100 or 1000 Ducats? III. How must pensions be paid from the income of parishes that exceeds 100 Ducats, and from the income of episcopal benefices that exceeds 1000 Ducats? IV. In what currency should the value of 100 or 1000 Ducats be understood? - the Congregation considered it appropriate to respond: Regarding I. With regard to the effect mentioned in the decree *Cum nuperrimis*, in the affirmative for part 1, in the negative for part 2. Regarding II. In the affirmative, provided that the present circumstances remain. Regarding III. After deducting 1000 and respectively 100, the pension

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is reduced in proportion to the diminution of the revenues of the benefices, as mentioned in the cited decree.

[*Latin ed. p. 337*]

ARIANEN and SURRENTINA. By the decree of 357, the surplus of the revenues of these aforementioned benefices shall be applied to it. Regarding the effect mentioned in the cited decree, if it is not expressly stated, the designation of a specific currency in the act of granting the pension must be understood as ten Roman solidi, equivalent to five livres and 37 centimes. Furthermore, it does not seem that the Episcopal table of Arianen, amounting to 1000 Ducats or a suitable sum in Tridentine currency, can be called into question, provided that the Bishop had previously filed a complaint or had granted a reduced pension, if he could have objected to the lack of a suitable sum. Finally, this concerns a pension established for the sacred patrimony of the clergy; and to avoid repeating countless decisions of the Sacred Congregation of the Council, it suffices to mention that the Sacred Congregation of the Council decided on July 20, 1619, that: "The patrimony to which someone is promoted can certainly be exchanged with other goods of no less revenue or value with the permission of the Bishop, but the Bishop must declare that the goods acquired through the exchange are substituted for the previous patrimony, so that they cannot be alienated thereafter, except with the form prescribed by the Council." Other decrees that demonstrate how firm and solemn the establishment of the patrimony is, are found in Benedict XIV, *Institutiones Ecclesiasticae*, XXVI. With these points noted, let us answer the question. RESOLUTION. After deliberation, the Sacred Congregation of the Council decided on December 14, 1901, to respond: The pension is to be paid by the Bishop. Acts, Volume XXXIV, page CDU 22.

[*Latin ed. p. 338*]

338 FROM THE DECREE OF THE COUNCIL OF BELLICEN, CONCERNING THE DISPENSATION OF MARRIAGE, dated April 27, 1901. Session 24, Chapter 1, regarding the case of Caesira, born of honorable parents, who, on April 30, 1892, in the town of the diocese of Bellicena, being then 16 years of age, validly contracted marriage with Charles, who was 26 years of age, after the customary civil formalities. However, this marriage, which seemed to have begun with a favorable omen, had unhappy consequences. For, as is reported, the husband began to dislike his own wife on the very day of the wedding; indeed, on the first night after the wedding feast, he shared the same bed with a certain relative, with whom the husband did not hesitate to act in a shameful manner, while showing no sign of conjugal affection to his wife. Nevertheless, the spouses lived together for ten months, and used the same bed; but, according to their own testimony, the marriage remained unconsummated.

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If you ask what the cause of this was, the records do not make it entirely clear, nor are the testimonies of the spouses consistent on this matter. However, it seems certain that conjugal life was not peaceful; indeed, the husband afflicted Caesira with continuous insults, and with all kinds of deprivations, and even with beatings; therefore, with domestic discord increasing day by day, the woman left her husband in the month of February of the year 1893, and returned to her father's house, never to return. In the meantime, the woman, having obtained a favorable judgment of divorce from the civil court, entered into a new civil contract with another man, with whom she still lives and has had children; while the husband himself has taken another wife. However, in the month of July 1899, the same woman, repentant for her actions, sent a petition to the Holy See, earnestly requesting that she be granted a dispensation from the valid but unconsummated marriage.

COMPENDIUM OF THE CASE:

[*Latin ed. p. 339*]

BELLIGEN. 539. Prayers were presented to the Belligen Court, which instituted the proceedings and summoned the spouses, as well as seven witnesses on the part of the actress, who unanimously testified regarding the honesty and virtue of the woman; finally, a physician was brought in for examination, who, after examining the woman following the cessation of conjugal life, declared her to be a virgin. It should be noted that, on the part of the plaintiff, no witness was heard. With all of this completed, the records of the Sacred Congregation were transmitted to the Ordinary, who highly commends the actress's petition. Synopsis of the Case. In this case, which we are discussing, the narrative of events is brief and not complicated. In the waning days of April 1892, a marriage was duly entered into between Charles, who was already 26 years old, and Caesarina, who was then 16 years of age. The discussions that preceded the celebration of the marriage lasted for almost two months. During that time, nothing noteworthy occurred, and everything seemed to promise future happiness from the marriage. However, this hope was not confirmed by events. On the very first day of the marriage, Charles did not show any sign of marital affection to his wife, but, what is more, he did not hesitate to spend the entire night in vigils, completely forgetting his bride, while she was at a banquet and drinking. The following day, they arrived at the town, and, with his wife and a servant supporting the wine-intoxicated Charles, they requested to go to his birthplace in the Diocese of Chambéry. Upon barely arriving there, banquets prepared by Charles's mother were again held, and the days were spent eating and drinking. In the evening, they went to bed, but a certain cousin slept in the same bed with the spouses, whom the husband did not hesitate to indulge with amorous gestures, completely

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disregarding his own wife, with whom he did not even consider attempting the consummation of the marriage. Although Charles later affirms that he has not attempted the fulfillment of conjugal duties, both spouses confess to the CANONIST.

[*Latin ed. p. 340*]

340 FROM the documents of the Congregation, under oath, they asserted that their marriage had always remained unconsummated. If you inquire as to the cause of this lack of consummation, you will find that the spouses were far from agreeing among themselves. For while the wife attributed it exclusively to the fault of her husband, who, especially incited by his own mother, accused her of dishonorable conduct and reproached her; the husband, on the other hand, blamed the wife, who, both because of her hatred of her mother-in-law, and because of the accusations of a bad life made against her, was always an obstacle to the consummation of the marriage. Whatever the truth of the matter may be, it is certain from the records that both the husband and, especially, his mother, left nothing undone to afflict Caesarina with continuous insults, every kind of deprivation, and even beatings, and to make her life miserable. Hence, the hatred grew daily on both sides, and the separation of souls and bodies increased. Finally, the unhappy wife, no longer being able to endure such vexations and sorrows for much longer, abandoned her husband and his home about ten months after the marriage was contracted, and took refuge with her own mother. In the following month of April, she brought a case before the civil court to obtain a divorce; on May 26, 1894, "she entered into a civil marriage with another man in the month of April 1895, and subsequently had children." On the other hand, Charles also entered into another civil marriage, from which children were also born. But then, spurred by the goads of conscience, the wife made an appeal to her own Bishop, who, on July 31, 1899, in letters sent to the Congregation, supplicated the Most Holy [Father] to grant a dispensation from the marriage validly celebrated but not consummated between Caesarina and Charles. The Congregation replied to the Bishop on August 12, instructing him to report whether, at least, moral arguments, and especially witnesses, were present to demonstrate the lack of consummation of the marriage. Upon receiving this response, the Bishop of Bellicen appointed the Reverend Doctors Canon Sevin, the diocesan promoter, and Sauvert,

[*Latin ed. p. 341*]

BELLICEN. 341. The episcopal chancellery, for receiving the depositions of the spouses and witnesses. These officials indeed received the sworn depositions, not only of both spouses, but also of seven other witnesses, regarding the answers given to the questions posed, together with the ex-

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trajudicial attestation of a physician concerning the virginity of the woman from Caesarina. Furthermore, the sworn deposition of another witness, and also a supplementary deposition from the other party, were received by the curate Vuillerod and by D. Thoiron, the vicar in the town of Corbonod. The Bishop transmitted all of these matters to the Sacred Congregation of the Council; and on the same day, January 12, 1900, the Sacred Congregation ordered that a process be carried out concerning the aforementioned non-consummation of the marriage and concerning the causes for a dispensation from it, observing the proper form, etc. The Official of the Bellicen Chancery then informed the Sacred Congregation: "May it be permitted me, Eminence, to respectfully observe that we cannot induce either the parties or the witnesses to appear again before us. Their faith is weak and their fortune is meager; they will not wish to consent to losing another day of work to answer the summons to appear before us." Given these circumstances, two questions naturally arise for consideration: one preliminary concerning the validity of the proceedings; the other principal concerning the non-consummation of the marriage and the causes for a dispensation. I. Concerning what pertains to the former, it is manifestly a matter of law that the proceedings are invalid in themselves due to the lack of formalities, which are prescribed under penalty of nullity, both by the Benedictine Constitution and by the Instruction of the Sacred Congregation of the Council. However, it may be asked whether there are circumstances present in this case that might suggest a remedy. Regarding this matter, the following arguments lead me to an affirmative conclusion. I. The defect in the proceedings, of which we are speaking, does not properly affect the substance; for both spouses were suitably questioned for the purpose in hand, and each gave answers under repeated, namely at the beginning and at the end, oaths to swear. Furthermore, there were seven witnesses present, to whom appropriate questions were put.

[*Latin ed. p. 342*]

342. From the Most Holy Council, which, under repeated oaths, gave the same response. Finally, the testimony of the physicians was confirmed by a sworn deposition made orally by the same physician before canonically appointed officials from the Bishop. 2° This aforementioned defect pertains only to the solemnities of the law, such as, especially, the defect in the delegation to conduct the process and the defect in the legitimate constitution of the tribunal with the assistance of the Defender of the Marriage. It is well known that these and other solemnities of the law were established precisely for this purpose, namely, to prevent, as much as possible, access to fraud, and to make the truth more easily emerge. Furthermore, in our case, although such legal solemnities were not observed, it is clear to anyone who barely reads the documents that the same purpose was achieved in the same way; for no fraud, no collusion, has been found, but everything

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proceeded with the utmost good faith, especially if the condition of the persons involved is considered. 3° On the other hand, there appear to be very serious and reasonable causes, which, as related in the testimony of the Bellicena Curia above, are an impediment to the possibility of continuing the process, while observing the legally required procedures, in this case. 4° To all of this, we must add what the same Bellicena Curia states in its aforementioned letter to the Sacred Congregation: "Moreover, even if they were to consent to appear before the tribunal, I am convinced, and the two canons who conducted the initial investigation, the preliminary unofficial investigation that you have in your possession, are convinced as I am, that we will not obtain any new testimony that would be likely to alter those that have already been given." Considering all of these things, I believe that the validation of the proceedings in this case should not be denied in any way. II. As for the second question, it is not why we delay for so long regarding the legitimate causes for the dispensation; these same causes, and indeed very serious ones, clearly exist in this case, as is evident from the history of the facts presented above. Therefore, the entire question is reduced to an investigation concerning the marriage *a matrimonio*.

[*Latin ed. p. 343*]

BELLIGEN. 545 concerning the lack of consummation. Although a judicial, physical examination may be lacking in this case, nevertheless, I believe that, based on the preceding arguments, moral certainty can be obtained regarding the lack of consummation of the marriage. Indeed, the most obvious and clear evidence is the open confession of both spouses; the wife, when asked: "Do you affirm with certainty that you have had no conjugal relations with Charles, and that you were a virgin when you left him?" answered: "Yes, absolutely." The husband, when asked: "Have you had marital relations with Césarine?" answered, without hesitation: "No, never." And although he asserts that he has attempted on several occasions to fulfill the conjugal duty, he openly confesses the outcome of these attempts. Such a confession from the spouses is all the more to be considered in this case, because, while both agree in affirming the lack of consummation of the marriage, they are moved by opposing feelings, and one seeks to lead the other to believe that the other is to blame for the failure of the marriage to be consummated. This, indeed, clearly demonstrates that any suspicion of collusion is entirely absent from their testimonies. Everyone knows how much weight must be given to the faith of the spouses, both according to the teaching of the canons and according to the practice of the Sacred Congregation. And rightly so, for the gravity and sanctity of an oath are sufficient to generate moral certainty, especially when it cannot be presumed that those who seek refuge in the authority of the Church, solely to consult their own conscience, as is clearly verified in our case, would affirm a falsehood under oath, so that, while they try to avoid sin, they are

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stained with the crime of perjury, according to the text in Chapter Mulier, On Oaths. But what if this confessed testimony of the spouses is strongly confirmed by all the preceding, concurrent, and subsequent circumstances? Indeed, it is clear that this marriage was contracted not out of mutual love, but solely for the sake of interest: "C'est l'intérêt des deux..."

[*Latin ed. p. 344*]

344 From the depositions of witnesses, it is stated that Claudius Gignet testified, "It was the interest of both parties that seems to have brought about this marriage." The witness Mauritius Clerc repeated, "It seems that the interest of both parties was the reason for this marriage." The wife, for her part, states: "He did tell me, however, that he had taken me on to help his mother as a servant." Furthermore, while the preliminary steps of the marriage were still ongoing, and in the absence of any mutual affection or regard: "They did not appear to show any particular signs of affection towards each other." Consequently, on the very first day of the marriage, there was no manifestation of love on the part of the husband: "There was no sign of affection," the wife solemnly protests. Then, the husband adopted a completely different course of action, preferring to spend the entire first night drinking alone, rather than sleeping together with his wife. And then, everything that followed on the second day of the marriage in the town of Motz, where the husband behaved in a completely unfeeling and indifferent manner towards his wife, without any sign of ordinary affection, leaving her constantly alone, sitting far from her at the common table, and, what is quite unbelievable unless we had it expressly confirmed by the husband himself, allowing his own wife and also his niece to sleep in the same bed with him throughout the night, while he, completely neglecting his own wife, and indeed, under her very eyes, indulged in indecent touches, to her shame.

Now, let us imagine a young woman, barely sixteen years old, whose heart burns with pure and first love, as was precisely the case with Caesarina; would not this behavior of the husband towards her necessarily act as a deterrent, and completely extinguish the flame of virgin love in her from its very beginning? Furthermore, if we add to this the domestic troubles, deprivations, vexations, and serious accusations that the wife had to endure from the husband, and especially from his mother; and on the other hand, we can easily infer from the records that Charles' mother was incited against Caesarina; and from this, a suspicion arose from the very beginning of the marital life concerning an improper relationship between the son and his mother, which...

[*Latin ed. p. 345*]

BELLICEN. 345, the wife was cruelly tormented; what is surprising, or rather, is it not entirely natural, that this should have happened, as both

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spouses so vehemently and firmly testify, namely, that from the very beginning, there was an aversion of souls between them, and that there was never any physical union between their bodies? This very thing is what the witnesses, who were heard, openly attest, unanimously declaring, not only that the plaintiff in this case is incapable of lying and worthy of belief; but also that, at a time when there was no suspicion, they heard that the marriage had not been consummated. Thus, the witness John Berthet, after affirming his belief in the truthfulness of Caesarina, continues: "I heard before their separation that they had no conjugal relations; that the mother-in-law mistreated Caesarina, and that she kept her son away from the duties of marriage." Similarly, the witness Mauritius Clerc: "Yes, I believe it; for I have known her since her youth; I have always seen her to be upright and loyal." "Before the separation, I heard of mistreatment; after the separation, Caesarina told me that she would have endured everything, if her husband had behaved towards her as a husband and had had relations with her. She told me this immediately upon leaving Motz." Also, the witness Claudius Gignet: "From the way she speaks, I believe it. She has never contradicted herself and has never varied." "I knew it before their separation. I knew that there were no conjugal relations between Caesarina and her mother." All the other witnesses, Joseph Bechet, Aloysius Pitié, Claudius Chevaud, and Josephita Duelos, agree with this. What both spouses assert, what all the circumstances confirm, and what the witnesses testify, reaches its moral certainty not only from the judgment, by which a civil divorce was proclaimed between the spouses; but also from the testimony of the doctor Truffet. Indeed, the wife does not dare to deny that the husband, using public force, took her from Corbonocl with him.

[*Latin ed. p. 346*]

346 The Most Holy Council wished to bring the matter to Oppido, and although the wife opposed it with all her might, alleging not only the cruelties inflicted upon her, but also the non-consummation of the marriage, the learned prelate, in order to ascertain the truth, referred her for a physical examination to Doctor Truffet, who gave a most clear testimony in writing regarding the virginity of Caesaria, which is found in the records, and who, when questioned by the Canons appointed by the Bishop of Bellicen, fully confirmed it under oath. However, after this physical examination, Caesaria had so completely abandoned her husband in mind and body, that she never afterwards, without the intervention of others, had any dealings with him; this is clearly shown not only by the repugnance and the ingrained hatred of Caesaria towards her husband, but also by the witnesses Claudius Chevand and Claudius Gignet, who, in their supplementary depositions, state that Caesaria remained with them successively after her departure from her husband. Given these circumstances, the question arises: Should one consult the Most Holy See regarding a dispensation from a mar-

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riage that is valid but not consummated in this case? I believe the answer, after examining the records, is affirmative, that is, one should consult the Most Holy See, etc. OPINION OF THE THEOLOGIAN. Charles contracted marriage with Caesaria before the Church on April 30, 1892. However, after living together for ten months, the wife left her husband, having suffered many troubles and cruelties from him, and obtained a civil divorce on May 26, 1894. Then, after a year, she married another man civilly, and the husband also took another wife. From both civilly contracted marriages, both the woman and the man now have children. However, the woman, tormented by her conscience, wishing to escape this scandalous situation, submitted a petition to the Holy See, requesting that a dispensation be granted to her from the marriage that is valid but, as she claimed, not consummated. The Sacred Congregation of the Council gave the Bishop of Bellicen a response on this matter on April 12, 1899, instructing him to "report whether there are at least moral grounds for alleging the non-consummation of the marriage, and especially whether..."

[*Latin ed. p. 347*]

BELLIGEN. There were 347 witnesses present, who, at a time when there was no suspicion, had heard from the spouses themselves and their relatives that the spouses had had no intercourse with each other. The Bishop instituted a canonical process and transmitted the records of this process to Rome on December 13, 1899. However, the Sacred Congregation, not being satisfied with this process, wrote to the Bishop of Belligen on January 12, 1900, instructing him to "complete the process regarding the alleged non-consummation of the marriage and regarding the reasons for a dispensation from it, observing the proper form and with the faculty of also delegating others. Upon reaching a conclusion regarding the results, the Sacred Congregation should be informed and the records transmitted." However, it seemed impossible for the local Ordinary to do this, and he explained his reasons to the Most Eminent Cardinal Prefect as follows: "Your Eminence, may I respectfully point out to you that we cannot bring either the parties or the witnesses to appear again before us. Their faith is weak and their fortune is modest; they will not want to consent to losing another day of work to answer the summons to appear before us. Moreover, even if they were to consent to appear before the tribunal, I am convinced, and the two canons who conducted the first investigation, the unofficial and preliminary investigation that you have in your possession, are convinced as I am, that we will obtain no new testimony that would be likely to modify those that have already been given. What are we to do? The parties are in a state of damnation and are causing, as a result of their divorce and their new union, a scandal in both parishes. Each has children from their new spouses, and it is not possible to demand a separation. And yet they are sufficiently Christian to desire to return to the path of duty." These most

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unfortunate times, with weakened faith and piety, with the authority of the Church disregarded, with civil marriage introduced everywhere, make the instruction of a matrimonial process extremely difficult; but, on the other hand, they provide greater certainty to the assertions of the parties requesting a dispensation.

[*Latin ed. p. 348*]

348 FROM THE DECREES OF THE COUNCIL, namely, "Et sane." Where do the Christian laws still hold, if not by the Church, either by declaring a marriage null, or by granting a dispensation concerning an unconsummated marriage? It is impossible for a husband or wife to enter into other marriages; and where at least the Christian sentiment still exists, those who scorn the laws of the Church are condemned, and therefore, even those who are not concerned about their conscience, sometimes, out of necessity, or at least out of a certain decency, seek a dispensation from the Church, little concerned about the truth. But in this case, the matter is being considered in France, where civil marriage prevails; the petitioner has already entered into a second marriage civilly, and it cannot be shown that this bond should be broken; however, she laments her fault and desires to escape from the state of conscience in which she finds herself. She asserts that the previous marriage was not consummated. What would it profit her if she lied? She would not in any way benefit her conscience; but she is only concerned about her conscience. Therefore, I would give great weight to her testimony regarding the unconsummated marriage. Furthermore, the husband also testifies to the lack of consummation. Moreover, collusion is excluded by what both parties say, in order to explain the lack of conjugal relations. "The sentiments that animate them towards each other," observes the Bishop of Bellicensis, "and the opposing reasons they bring to explain the absence of conjugal relations, lead one to believe that there was no collusion between them." Since both all the witnesses, and the physician who examined the woman, immediately after she left her husband for the last time, affirmed with one voice that they were convinced of the lack of consummation of the marriage, I am led to the conclusion that it morally appears that the marriage was not consummated, and therefore, it is necessary to consult with the Supreme Pontiff, so that he may deign to grant the petitioner a dispensation from the valid but unconsummated marriage. OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE OFFICE. Caesaria, who desires to dissolve the marriage which she contracted in the year 1892, on the 30th of April, when she was already sixteen years old, with Charles, who was then twenty-six years old, proclaims that it was unconsummated.

[*Latin ed. p. 349*]

BELLIGEN. 349. Although she affirms it with her mouth, Caesaria does

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not, by suitable arguments, in the least prove it. And I cannot agree with the most learned consultants, the theologian and the canonist, while they consider a certain lack of consummation of marriage to be morally certain. Unless I am mistaken myself, neither the legal nor the moral certainty of the lack of consummation of marriage emerges from the acts of the process. Indeed, in the principal testimonies, it is stated that the spouses lived together and slept together for ten months. When questioned: "Did you lie with him (Charles)?" Caesaria replied: "I lived with my husband for ten months. Except for an interval of eight days when I lay in the attic, he always lay with me." To this, Charles adds, since he swears: "We had the same bed for ten months, except during the many times she was absent going to her own home, and except for two or three nights she spent in the garret, where she went, saying, after a discussion, that she did not want to sleep with a dog. I called her in vain, and I went to bed in a small bed placed in my mother's room." The most violent presumption of the consummation of marriage, which arises from the aforementioned prolonged cohabitation and sleeping together, is not at all destroyed by the testimony of the doctor Truffet, who on November 22, 1899, stated these words: "I, the undersigned, doctor of medicine, certify that I have examined the aforementioned Caesarine in order to determine whether this woman had conjugal relations. "From my examination, it results, in an absolute way, that these relations have never existed. "To establish this, I base myself on the presence of the hymen membrane, which is completely intact, and on the condition of the genital organs. "Therefore, this woman is completely a virgin, and that without the slightest doubt." Such a testimony is to be considered of little value, not only because a physical examination was made without circumspection.

[*Latin ed. p. 350*]

350. From the decrees of the Council, which, by law, seek to prevent the entrance of fraud, and from the testimony of a single physician; moreover, because the examination was completed almost seven years after the physical inspection had been carried out. And indeed, Caesaria herself testifies: "I was visited [by a physician, and the certificate was given by Mr. Doctor Truffet. Here is the circumstance. I was at our home, for nearly a month after my definitive departure, when Charles sent the gendarmes to bring me back to him. The brigadier of Seyssel was waiting for me on the road. Charles was then at the gendarmerie, where he was waiting for me. The brigadier questioned me; I was with my mother and Claude Thevand. I accused my husband of never having had relations with me, and I recounted all the mistreatments I had suffered. The brigadier sent me to Doctor Truffet, who examined me and issued a certificate stating that I was a virgin. This certificate was given to the authorities." Therefore, another testimony was recorded by Doctor Truffet concerning the womb, immediately after the examination was made. I therefore submit this testimony. Indeed, there

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is no small suspicion that Doctor Truffet did not perceive those very clear signs of virginity, of which he now testifies, when he examined her body, since he recognized her body. Certainly, Claudius Chevand affirms under oath: "Doctor Truffet stated before my wife (who was present at the examination) that Caesaria was, nevertheless, a virgin, even though it could be observed that an attempt had been made at the conjugal act without it being consummated, but that the signs he observed could be explained by the contact of the fingers." Nor did the actress confide in her own and her husband's confession. For it is most evident that the dissolution of a marriage is sought by both spouses. Indeed, in such a case, the confession of the spouses cannot be held in high regard. In a well-known matter, it is said in Sánchez de Matrim., lib. 2, disp. 45, n. 33: "(there). 'Confession, when it is in favor of those confessing, proves nothing.'"

[*Latin ed. p. 351*]

351. To this is added the fact that the spouses, when recounting the events, which they could in no way ignore, contradict each other, and even contradict witnesses, so that it is clear that they are not concerned with the truth. Furthermore, to the question: "Did you (to his wife) make advances, either in bed or elsewhere?", Charles answers, under oath: "As often as I could, but I was rejected. On Sunday, while changing the linens and in the absence of my mother, I said to her: 'I must succeed.' And she said to me, 'Try, if you can.' To make her more amenable, I offered her good wine, but she refused, seeing my intention." In contrast, Caesaria bravely swears: "There was no relationship, no caress, ever." Again, Caesarina, under oath, states: "For nearly a month after my definitive departure, Charles sent the gendarmes to bring me back to his home." Indeed, Charles adds: "Often I returned to Corbonod, even during my trial, to look for her. I spoke to Mr. the Curé so that he might intervene. Her mother then said that all the Curés and all the gendarmes of France and of Savoy would have to get involved, and that they would not succeed. Caesarine wanted me to separate from my mother. For this purpose, I had purchased a house. I once sent the gendarmes to bring her back. It was then that she went to see Doctor Truffet, to obtain a certificate of virginity." In response to the aforementioned Claudius Chevand, who was questioned: "Did you make any attempts at reconciliation between the spouses?", he replied: "I went once to reconcile them. I was with Caesarine and her mother. We were forced to leave so as not to be struck." Finally, I do not see why the witnesses, who are on the side of the man, and those who are said to be informed about the matter, have not been dismissed. With these observations, what purpose was it to present this case?

[*Latin ed. p. 352*]

352 FROM THE HOLY GENERAL COUNCIL: A Question Regarding

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Whether Consultation with the Holy See is Required Concerning a Dispensation from a Valid but Unconsummated Marriage in a Particular Case. RESOLUTION. The Holy Council, after deliberation on April 2, 1901, decided to respond: With prior dispensation granted, affirmatively. SOLUTION FROM NOLANA. On December 14, 1901. By summary petition. The matter had been brought before the Most Eminent and Reverend Fathers since September 11, 1892; namely, in the Constitution *Pius et Misericors* promulgated by Pope Benedict XIII, it was established that a half-year's income should be paid from all benefices not granted by the Holy See; and also from benefices with cures, provided that the sum exceeds 100 Roman scudi. And the clause "sublata" was added to remove or prevent any contrary custom. However, the Bishop of Nola reported that in his diocese, certain benefices, such as cathedral benefices, had never paid, while other benefices had ceased paying this half-year's income for several years. He then inquired whether he could acquiesce in this custom, especially due to the scarcity of provisions and the resulting reduction in the revenues of the benefices, or rather, whether he should reject this custom because of the clause "sublata," compelling the beneficiary to comply with the Benedictine law. Then the Holy Congregation responded on September 9, 1893: "Considering the particular circumstances of the times and their persistence, nothing should be innovated." However, the petitioners persisted, urging that non-canonical benefices (for cathedral and collegiate benefices are...)

[*Latin ed. p. 353*]

The NOLANA ecclesiastical benefices, which claimed to be exempt from this payment due to an ancient privilege, were brought before the tribunal to pay the half-annual tax which was to be given for the benefit of the Cathedral Fabric. The following questions were proposed for consideration:

I. Is the Cathedral Chapter of NOLANA maintained by an ancient privilege or custom, confirmed by the Most Reverend Fathers, and which still requires half-annual taxes from the diocesan beneficiaries, according to the form and manner prescribed by the Most Reverend Father Benedict XIII?

II. And, if so, can the method and manner of collecting these taxes, previously observed, be maintained, by requiring those who do not presently pay them to sign a document obligating themselves to pay them as soon as possible?

III. In the event of non-payment, can the Canons delegated by the Chapter compel the beneficiaries to make the payment, either before the ecclesiastical judge or before a lay judge?

Based on these newly presented matters, the Fathers considered it necessary to respond to the doubts presented by the Bishop, as well as to the other doubts proposed by the Chapter; thus, on June 20, 1895, the following response was issued: "The Holy Congregation of the Sacred Roman

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Ecclesiastical Council of Cardinals, having considered the newly presented matters and the doubts proposed by the Bishop in his letter of September 11, 1892, of the following tenor:

I. "Regarding the clause – now removed – of the Bull and the Decree, whether it obliges, in general, all of its beneficiaries to pay the half-annual tax, including those who have not paid it in the last ten years.

II. "Whether, according to the Bull, the burdens of the benefice can be deducted, including the inheritance tax and that which is paid for the Royal License.

III. "Whether, for the beneficiaries who are curates, considering the high cost of living, it is permissible to obligate them only when the net income of the benefice, after deducting the annual burdens, exceeds two hundred *scudi romani*, that is, one thousand *lire*."

In a plenary session on July 20, 1895, the Fathers considered it necessary to respond as follows: "Regarding the first question, concerning whether it is permissible to enact new laws or decrees..."

[*Latin ed. p. 354*]

554. "FROM THE SACRED CONGREGATION, for the resolution of all beneficiaries in the Constitution 'Pius et misericors' of Benedict XIII, and therefore also the Canons of the Cathedral and Collegiate churches. — Regarding II. Considering the particular circumstances, and if these persist, the affirmative answer given to the Most Holy Fathers (and after a report on the aforementioned matters was presented to Our Holy Father by the undersigned Cardinal Prefect of the same Sacred Congregation in an audience on August 6, 1895, the resolution of the Most Holy Fathers was approved and confirmed). — Regarding III. Negatively, and adhering to the Constitution of Benedict, saving the right of the parish priests to appeal in each case for the reduction of the *media annata*. To the questions proposed by the Chapter, the aforementioned Most Holy Fathers responded: "Regarding I and II, the Constitution 'Pius et misericors' must be observed. Regarding III, affirmatively, before an ecclesiastical judge." With this response, the Canons were obligated to pay the *media annata*, but they considered that another difficulty remained, namely, that the Canons seemed exempt from paying the *media annata*, since all their income consisted of distributions; and these, according to the statements of all the Canons, especially Riganti of the Regia Cariceli, were not subject to the *media annata*. But the Canons also referred to distributions that constituted the beneficial or common Mass, which, they maintained, was not even relevant to the matter. Therefore, to the question "Whether the Canons of the Cathedral Church of Nolana are obligated to pay the *media annata* from the beneficiaries according to the Constitution 'Pius et misericors', and whether they themselves are obligated to pay it in this case," the response was given on January 29, 1898: "Making void the law of commandments contained in

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decrees." But recently, on June 5, 1901, the Bishop raised another question on this matter: "The Canons of this Cathedral, who previously did not pay the *media annata* and now pay it due to recent dispositions of this Sacred Congregation, would like to pay it only on the prebend and not on the uncertain revenues, and even less on the daily distributions, because they say that the service at the choir is an uncertain thing for the Canon. I would opine that they are obligated to pay on everything."

[*Latin ed. p. 355*]

NOLA 355. The very question raised by the canons has already been answered in explicit terms by the Supreme Pontiff, Benedict XIII, who, in the Constitution *Pius et misericors*, § 2, decreed: "We command and order throughout Italy and the adjacent islands that, in the future, those holding parochial offices, together with those holding uncertain revenues, shall pay and deposit annually a sum equal to one hundred Roman *scudi* exceeding their annual income, and likewise, those holding canonries and benefices, whether residential or non-residential, and simple positions outside collegiate churches of any value, shall pay and deposit respectively half the annual amount for the construction of the Cathedral Church; those holding parochial offices, together with those holding uncertain revenues, exceeding one hundred Roman *scudi* annually, and those holding canonries and benefices, whether residential or non-residential, and simple positions in collegiate churches or transferred to them of any value, shall likewise be obliged to pay and deposit respectively half the annual amount for the construction of the collegiate church, provided that the institution, foundation, and provision of the Holy See are entirely lacking." Therefore, according to the mind of the Pontiff, it is so far from being the case that uncertain revenues should be excluded from the payment of the half-annual amount, that they must even be included in calculating the appropriate amount for the parochial office. This interpretation has always been adhered to by the Sacred Congregation of the Council. Indeed, in *Oelsonen*, exact, medium annatum, December 16, 1741, in response to the petitions of the Chapter of the Cathedral Church, which had explained that no other means were available to restore its nearly collapsing church, Benedict XIII, with the fervent support of the Sacred Congregation, granted an indulgence, so that for ten years only, those holding parochial offices located in the city and diocese whose income, together with uncertain revenues, exceeded one hundred annual *scudi*, as well as those holding canonries and other benefices of any income, would be obliged to pay half the annual amount in favor of the construction of the church. Furthermore, Martyr de Colorens, because of the Priory of St. James of Fontania within the diocese of Celona, presumed himself exempt; the doubt was discussed as to whether exempt benefices were subject to this obligation, and the response

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was "they are subject." Finally, the Sacred Congregation, in Ty-

[*Latin ed. p. 356*]

356 FROM THE DECREE of the Holy General Council, Medium, of May 4, 1754, in which it was inquired what burdens and expenses should be deducted from the revenues of benefices, both those under administration and those not under administration, the Holy Congregation declared that only fixed and real burdens should be deducted from benefices under administration, in order that they may be subject to taxation. Having considered these matters, the following question was posed: How should a response be given? RESOLUTION. The Holy Congregation of the Council, having knowledge of the matter on December 14, 1901, decided to respond: The Constitution "Pius et misericors" of Benedict XIII should be observed, with the exception of simply accidental revenues.

MECHLINIEN. NULLITY OF MARRIAGE. January 20, 1902. Session 24, chapter 1. Concerning the validity of marriages. SUMMARY OF FACTS. Alice, still a girl, was taken by her parents annually during the holidays to a place called Saint Roch, near the Counts of Villermont, for recreation. There, a certain Charles, a Baron, was also present, who, as Alice states, showed her some signs of affection: "Mr. Charles was kind to me, and showed me sympathy, but at that time, there was never any question of marriage, nor of any kind of romantic involvement." However, when Alice's family interrupted their trips to Saint Roch, Alice, as is said, never saw Charles again. In the year 1884, Charles, who had devoted himself to military service, came to the city of Bruxellarum, and asked Alice to marry him. This proposed marriage pleased the girl's mother so much, who wished to give her daughter in marriage to a man of noble birth, that it appears that on that very day, she presented Charles to her daughter as her fiancé.

[*Latin ed. p. 357*]

MECHLIN. She not only took care to immediately send word of the marriage to be celebrated to the King, to her parents, and to others, but she also spoke with the parish priest so that everything necessary for the marriage could be arranged as soon as possible. However, it is said that Alice rejected the proposed marriage. But, alas; the mother of the intended bride was determined, and she forced this marriage upon her daughter, using every means possible to bend Alice's will. Therefore, the woman, as is said, feeling that she could no longer resist her mother's will, after having tried everything to sway her mother's mind, finally yielded, but entirely unwillingly, and was joined in marriage to Charles before the parish priest of Saint James on Mount Frigidus in Brussels, on August 10, 1885. This marriage proved to be utterly miserable; and the woman, who, as is asserted, had consented to the marriage with the tacit condition "de n'être la femme de Mr. Charles que de nom," after a few months of constant complaints

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from her husband, finally consummated the marriage. About two years after the beginning of the marriage, when the husband, rather than winning his wife's affection with love and care, had devoted himself to a dissolute life, Alice, after having given birth to a daughter, abandoned him at the beginning of the year 1888, never intending to return to him. Afterwards, in order to provide for herself and her daughter, she petitioned and obtained a divorce on December 16, 1893. In the meantime, having been instructed by her confessor about the nullity of her marriage, on February 9, 1894, she sent a petition to the Mechlin Curia, requesting that her marriage be declared null on the grounds of coercion and fear. The Archbishop, after establishing a tribunal and completing the proceedings, and since he could not ascertain where the husband resided, and since the judge could not examine witnesses on the husband's side, on October 12, 1894, he issued this judgment: "Although the husband's and his witnesses' testimonies could in no way be heard, it is true that the bride entered into the marriage under the influence of great and reverential fear from her own mother, and indeed..."

[*Latin ed. p. 358*]

358 FROM THE DECREE OF THE HOLY CONGREGATION, it was declared that the consent given to this marriage was invalid. And indeed, the following year, it was discovered that a man named Charles Hennequin resided in the city of Buenos Aires. By order of the Holy Congregation, the man and his witnesses were dismissed, who contradicted in every way the witnesses presented by the woman. Therefore, the judges, faced with such a contradiction of witnesses, not knowing how to discern the truth of the matter, dared neither to annul nor to confirm the sentence. In these circumstances, the case is presented to the Tribunal of the Holy Congregation. And the petitioner, through her appointed advocates, demonstrates that her marriage is invalid due to the impediment of violence and fear. Synopsis of the Argument. DEFENSE OF THE WOMAN. The petitioner's advocates divide the question into two main points; and since the witnesses presented by both sides contradict each other, they first observe that, in order to ascertain the truth, the authority of each witness must be considered. Indeed, they argue, if the authority of each witness is especially judged by their integrity, no one can doubt whether the family of the woman and her witnesses, or the family of the man, are lying. The woman's family, whose head, Achilles, attained the highest honors in the army of Belgium, is considered among the most distinguished families of that kingdom, and enjoys the highest esteem among all. Furthermore, the witnesses presented by the petitioner are such that it would be impious to suspect them. In contrast, the lineage of the man, especially the Gallic branch, having squandered the good things it possessed, has descended into such vices and bad morals that Charles, fleeing to America, was ashamed of his own name, which had

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once been so renowned. In truth, many from this family, whether from the Belgian or the Gallic branch, have been expelled from the army for crimes committed. Thus, Aloysius and Paulus, Counts, brothers of Charles, of whom one is among the witnesses, were expelled from the Belgian army because they owed money to others.

[*Latin ed. p. 359*]

MECHLINIEN. 359 Thus, or they may have appropriated certain funds intended for their own use. Furthermore, Peter, brother of Charles, having committed repeated thefts while gambling, was forced to relinquish his rank in the French army in 1880, and together with his mother, was condemned to imprisonment by the Tribunal of Rheims in 1891 for the crime of "theft"; indeed, he was also punished with the same penalty in 1892 by the second Tribunal of the city of Amiens, and a third time by the Tribunal "de La Seine," for having rented a house for gambling. Thus, the husband of the actress was forced to leave the French army in 1899, and to relinquish his rank, because he had abused the subscription of a certain comrade in order to obtain money. And although he was given the name of a Legion, which in France is called "étrangère," shortly thereafter, he was expelled from it in 1891, accused of cowardice before the enemy. Indeed, Charles lived so dissolutely that he had to flee his homeland and take refuge in America under a changed name. From these facts, the orators argue, it appears to be the character of this man, and especially of this family line residing in France, that they are not sufficiently scrupulous in acquiring the money they need to live luxuriously. Therefore, the orators conclude, while the witnesses for the man are compelled by his greed and the necessity of money, and knowing that Alice is wealthy and an heir, they strive to prove the validity of the marriage; while Alice and her witnesses are guided only by a concern for religion, and contend for the nullity of the same marriage. Moreover, it should not be overlooked, the orators ask, that among the witnesses who favor the actress, there are several who have been heard in an official capacity, and who are not relatives of Alice, while all the witnesses on the part of the man, except for Mr. Lestapis, are relatives. Furthermore, if, in addition to external signs of credibility, internal ones were also considered, namely the coherence of the witnesses and the prudence with which they speak, asserting what they know and not daring to affirm what they do not know, even if it is favorable to Alice, their inconsistencies are revealed.

[*Latin ed. p. 360*]

360. The testimonies of the Most Reverend Council confirm the truth and validity of the asserted facts. Therefore, the testimonies of Lady Mary Boyaert, Mr. Portaels, and Mr. Peter de Meuve should be read. Just as the witnesses excel in honesty and other virtues upon which faith rests, so

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too in number; for it has been heard that more than twenty-six marriages have been declared null, and not even ten and seven of them favor the cause. Therefore, the defenders note that the criteria which the authorities prescribe should be considered when the witnesses are in contradiction with each other. "Contradiction," writes Saint [Thomas Aquinas], *Lib. II, tit. XXj, n. 24, page 157, "can exist either among several witnesses or within the same witness... If they are truly contradictory, and no agreement is possible, it must be considered whether they are equal in number and moral qualities... If the witnesses are equally strong in qualities, but unequal in number, those who are more numerous are preferred. But if those who are fewer in number surpass the others in more noble qualities, and present those which demonstrate greater likelihood of truth, they are to be preferred to the larger number." With these principles in mind, the advocates argue in the second part of the argument that Lady Alice was compelled by her mother to marry Mr. Charles against her will. Moreover, adhering to the principles of law contained in the Decree of the Sacred Congregation of the Holy Office in the Instruction concerning the conduct of matrimonial cases, issued on June 20, 1883, p. II, art. 3, where the impediment of force and fear is discussed, it is stated that the gravity of the fear must not only be deduced from the nature of the threats, but also "from the qualities of both those from whom the threats originate, and of those who are said to have suffered them." Following this instruction, the advocates argue that the mother of the lady was, according to the witnesses, of a severe and harsh character. Furthermore, the advocates add, the mother of the lady was accustomed to act imperiously with her children, and possessed such authority that she governed and regulated all domestic affairs by her will, and that Mr. Alice's father acquiesced in all that his wife desired. On the contrary, the defenders argue, the witnesses affirm that the lady possessed a most gentle disposition, and that her parents, especially her mother, were...

[*Latin ed. p. 361*]

MECHLINIEN. 561, particularly observant. "My daughter," (said the father), "is extremely gentle and submissive, while her mother's character is firm and authoritative." - "My daughter," (said the mother), "had a very gentle and absolutely submissive character." The same is testified to by the actress's brother and Mrs. Morel. Furthermore, the defenders add that, since the plaintiff had never abandoned her, and had completed her education at home under the strict rule of her mother, she not only obeyed her mother with the utmost obedience, but absolutely feared her. And indeed, Alice's brother testifies. "My sister was submissive to her parents, my mother especially had great authority over her, rather out of fear." Also, the actress's cousin: "Yes, my cousin was very submissive, and her parents had great authority over her. She greatly feared her mother, and was treated harshly by her from her childhood." And a little further on,

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she testifies: "My cousin could not seek refuge elsewhere; she received her education at home; she never went out alone; when she came to our house, she was always accompanied by her mother." Indeed, the plaintiffs argue that some witnesses even now testify that the daughter is submissive to her mother, even after the separation from her husband. Since the daughter so feared her mother, the plaintiffs argue, it necessarily happened that if the daughter wished to follow her own counsel rather than her mother's in any matter, the mother would also use force to compel the daughter to obey her, which indeed happened. For when Alice did not love Charles at all, and did not wish to be married to him, the mother, whose mind was struck by the nobility of the gentleman, began to harass her daughter with harsh words and threats, so that she would consent to the proposed marriage. It is clear that Alice did not wish to marry Charles from her sworn deposition: for she said: "I told my mother that I did not wish to marry yet, and then that I had no particular sympathy for Mr. Charles, whom I knew very little. After Mr. Charles left, I told my mother the surprise that her sudden acceptance caused me, and I renewed to her my desire not to marry yet, and not to marry Mr. Charles."

[*Latin ed. p. 362*]

362 FROM THE DECREES OF THE COUNCIL. Mr. Charles. And further: "I was then able to observe that they had a pressing need for money, and that it was only self-interest that made them desire this marriage. After their departure, I implored my mother more earnestly to break off this marriage, which had become odious to me. I wept, and I had violent scenes with my mother." But when, the accusers say, the unfortunate girl's lamentations and protests availed nothing with her mother, she appealed to her father, so that, if possible, she might avoid these disastrous nuptials through his authority and protection. But it was in vain; for the accuser says: "My father, being very busy at this time, and considering me a child, he told me to address my mother, in whom he had complete confidence, whenever I wished to discuss the matter of the marriage with him." Furthermore, the defenders note that Alice, being deprived of all support, seized every opportunity to postpone the celebration of the marriage. "To delay this marriage," says Alice, "I took advantage of the mourning, as I have said before, and then I spoke of my repugnance for marriage, I invoked my state of health, and finally, the absence of my father, who had to make two or three trips to Italy; all of these circumstances helped me to postpone the date of my marriage." And, according to the accusers, Alice's opinion would not have been so strong, unless Charles, pressed by financial difficulties, had humbly submitted to all the conditions imposed by the woman's father. Indeed, even on the eve of the marriage celebration, Alice did not cease to urge her mother, and to implore her, to consent to desist from these unwanted nuptials. This is confirmed by the testimonies of witnesses.

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The actress's mother: "After the departure of Mr. Charles, my daughter began to weep, and declared to me that she did not want to marry..." "Her impression was terrible, and she declared to me more than ever that she did not want this marriage. After the signing of the contract, she came to me, weeping, and threw herself at my knees, begging me not to force her."

[*Latin ed. p. 363*]

MECHLINIEN. 363 concerning this marriage." The father of the plaintiff testified: "I have always observed the same repugnance, and she has manifested it to me on several occasions." Speaking then of the marriage contract, the father affirms: "My daughter knew that this marriage contract would give rise to difficulties, and she still hoped for a dissolution at this time." Presenting these testimonies, the lawyers argue that faith must be given, since any suspicion of collusion must be rejected in this case. Indeed, the Judge of Mechlin openly declared, "that he had diligently examined the witnesses to ascertain whether there was any cause for suspicion of collusion, and that he had found none; on the contrary, he had found that the plaintiff, not having been previously instructed in the manner of conducting an ecclesiastical process, nor having been informed by her mother or by the witnesses, had fled to the Episcopal Court, and that he had repeatedly observed in the examination of the witnesses that she diligently avoided further instructing them or suggesting any response to them." On the contrary, the lawyers argue, the witnesses attempt to demonstrate that Mr. Charles and Alice were involved. Charles and Alice had experienced "a childhood friendship," which originated in the fortress of St. Roch, where Alice was accustomed to be taken annually by her parents for holidays, and which, as was natural, led to marriage. Moreover, they observe that, in the first place, the very exaggerations into which some of the opposing witnesses have fallen manifestly indicate their intention to impugn the plaintiff. Thus, according to the father of Charles, Alice not only did not oppose the proposed marriage, but "it was she with her mother, who had conducted and brought about all the negotiations for the marriage." Furthermore, the lawyers observe that, in many, and indeed important, respects, the witnesses of the opposing party do not agree with each other, but even contradict themselves. Thus, if one believes Charles and his father, the only reason for entering into the marriage was the mutual and fervent love of the couple. And yet, the father himself does not hesitate to assert: "I noticed the attentions that my nieces took to bring my son into contact with this young lady. The mother of Alice had brought my...."

[*Latin ed. p. 364*]

364 FROM THE HOLY GENERAL COUNCIL of LongYvy, where he was stationed, at Bruxellarum, in order to more freely court his daughter." Which, certainly, they say, the defenders, greatly diminish, indeed com-

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pletely destroy, that asserted mutual inclination between the betrothed, at least on the part of the woman, and prove that the marriage of Alicia with Carolus was undertaken by Carolus's relatives with a view to the girl's wealth in the fortress of S. Rochi, and subsequently brought to its conclusion through the intervention and coercion of the mother, as some of the male witnesses later acknowledge. Other witnesses admit that discussions arose concerning the marriage contract, and that the marriage was delayed, although they attempt to explain these events by reasons entirely different from the girl's aversion to the marriage. But how falsely this is presumed, the orators note, is evident from the opposition of Alicia's grandfather to the marriage, which caused the marriage to be delayed for approximately nine months, since Alicia's grandfather died in January 1885, and the marriage, on the contrary, took place on August 10 of the same year. Furthermore, the orators state, there are facts that refute that vehement affection between the betrothed, which, according to the opposing witnesses, was the sole reason for the marriage. For it is established that in the years preceding Carolus's arrival in Bruxellarum to seek Alicia as his bride, the two young people had never seen each other, and had maintained no familiarity with each other, so that Carolus, as he himself admits, was not even invited when the girl made "her entrance into society." Moreover, the assertion made by Carolus and other witnesses, that Alicia had conversed with Carolus in the fortress of S. Rochi, almost every year before the marriage, contradicts the unanimous testimony of the orators' witnesses. Furthermore, the orators ask, if Carolus's relatives have testified to falsehoods, perhaps they can be excused, since they were questioned about events that occurred either in Bruxellarum or in Parisiis, where they, at least at the time when these events took place, were either never present, or only briefly. The very things that are read in these documents, they observe.

[*Latin ed. p. 365*]

MECHLINIEN. 365. The arguments, revealing their spurious origin, are thus. For example, the praise of Charles, found in letters dated January 22, 1885: "His disinterestedness has, moreover, deserved the good fortune that has fallen to him from the sky," when it is clear that Alice had been averse to Charles, primarily because of his avarice. Therefore, the defenders argue, Alice did not wish to be impoverished by Charles, so much so that, on the very eve of the wedding celebration, she knelt before her mother and vehemently begged, "preferring everything to breaking off this marriage." However, the prayers, supplications, and tears of the unfortunate daughter were of no avail with the most severe mother, who considered only that she should place her daughter in a marriage with a man of distinguished lineage. Therefore, the defenders argue, the mother, deceived by her own ambition, and by the nobility of Charles, as well as by his deceitful arts,

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began to harass her daughter and urge her with threats, and went so far as to often send her daughter away from home, and forbade her from attending any gatherings or meetings. The defenders argue that the actress, when questioned by the judge, was asked whether she could affirm that she had given her consent "under the influence of a moral coercion arising from a grave fear unjustly inspired with a view to the marriage?" She replied: "Yes, before God. Life with my mother had become impossible for me, and I thought to escape it by becoming the wife of Mr. Charles. No, I saw no way to escape these vexations: I felt no vocation for religious life, and I saw no other way to leave my mother's house than by marrying. My mother would never have forgiven me if I had sought refuge elsewhere." These words, spoken by the daughter, are asserted in exactly the same way by the mother, whose testimony, the defenders claim, can be considered as a confession of the facts, which is often called the queen of evidence in the law. Therefore, the Sacred Roman Rota, in decision 732, § 6, before Bmeriz, taught that the testimony of those who inspired fear should be given more weight than others. "My daughter," said the mother of Alice, "was absolutely forced into this marriage, and she had no affection for him."

[*Latin ed. p. 366*]

366 FROM THE HOLY COUNCIL. Mr. Charles; and he had already become antipathetic to her before the marriage. I wanted to force her to obedience, threatening her with the complete loss of my affection, I forced her to remain at home, as long as she did not submit; I also treated her as harshly as it is possible to do between well-bred people. The marriage of my daughter was announced without her consent; I announced this marriage as soon as possible, so that my daughter would be engaged from a worldly point of view. I replied to her that, in the face of such a great scandal, it was impossible to break off the marriage on the eve of the celebration, and that if she did not consent to it, I would force her to leave my house and retire to a convent, and that she would forever lose my affection." The authority of these testimonies is increasingly strengthened, as the patrons observe, by the praises, whether given by witnesses called by duty or induced by the Plaintiff, or by the parish priests in whose parishes this family resided. Furthermore, the patrons argue that the witnesses who support the Plaintiff in claiming the nullity of the marriage, both in number and in quality, far outweigh those who oppose her. Here, it must be noted, say the patrons, that most of the witnesses recounted events that occurred at a time that was not at all suspicious. Therefore, the patrons argue, the Mechlin Tribunal rightly considered it necessary to define the nullity of the marriage in question, even though at that time, "the depositions of the husband and his witnesses could in no way have been taken into account." For the authority of the witnesses who testified in favor of the nullity of the marriage, the abundance of arguments, and the force of the evidence in fa-

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vor of Alice, were such that, even if the witnesses on the part of the husband had contradicted, as they later did, they could not have invalidated the marriage. In such trials, in the conflict of witnesses, as Mascardus teaches in De Prob. v. II, Conci. 1052, n. 1: "more credence should be given to two witnesses testifying about fear than to a thousand denying or asserting about free will." This intrinsic

[*Latin ed. p. 367*]

MECHLINIEN. 367, adducens rationem, Panimolius in decreto 102, anno 1, pagina 375, scribit: "Qui deponunt de spontanea voluntate, deponunt de actu mentali intrinseco et invisibili qui soli Deo notus est; cum actus extrinsecus indicans provenire ex libera voluntate possit esse in apparentia liber, sed intrinsece in voluntarius. Alii vero deponentes de metu attestantur de minis, tormentis vel similibus aliis actibus denotantibus violentiam et meticulosam cohabitationem, quae sensu corporis percipiuntur." Quibus consonat Rota coram Ludovico, decreto 326, § 2, 6. In casu autem, inquiunt oratores, non duo contra mille, sed longe maior pars testium, iique omni exceptione maiores, matrimonii Aliciae inter et Carolum contracti nulli tati favent; qui vero contradicunt, rerum specie decepti, litteris - nempe Aliciae, ut minus dicamus, contradicunt. Quinimo, advertunt patroni, nonnulli ex ipsis adversariis non denegarunt quamlibet matris coactionem. Hic autem, observant patroni, ad matrimonium metus causa irritandum, cum metus sit difficilis probationis, "leviores sufficiunt probationes," sicut decernit Rota decreto 326, coram Ludovico. Hinc benevolentia quadam et animi propensione est procedendum. Iamvero cogente matre, pergunt oratores, nuptiae factae sunt, iis tamen Aliciae dispositionibus, ut dubitari possit an consensus iuxta matrimonii naturam fuerit rite praestitus. "J'ai passé la nuit, ait actrix, en lutte avec moimême: pleine de craintes et de scrupules de conscience: le matin je me suis laissée habiller en pleurant, j'ai hésité au moment de monter en voiture. A l'hôtel de ville mon rôle était à peu près passif; mais à l'église j'ai eu un dernier combat avec moi-même; il me semblait que je jouais une comédie odieuse et quand j'ai vu et les témoins et tout ce monde de la noce, j'ai eu peur du scandale que produirait l'esclandre que je ferais en refusant de prononcer le 'oui', et je me suis résignée à le dire avec l'intention absolue de n'être la femme de Mr. Charles qu'aux jeux du monde, en réservant ma personne."

[*Latin ed. p. 368*]

368 FROM THE HOLY GENERAL COUNCIL. Those who, with imperfect understanding, are the parties involved, and the advocates, insisting before the judges, acknowledge that the marriage was "different from others" due to the circumstances, and then add: "I believed that the priest's blessing made the marriage indissoluble; but I did not believe that this blessing imposed obligations on me, to which I had not committed myself

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before God. Therefore, I believed myself irrevocably bound to Mr. Charles before the Church, except for the restrictions that I had made." Indeed, the advocates argue, from chapter 25 on betrothals: "Marriage is truly contracted by the legitimate consent of a man and a woman"; by consent, that is, which includes no condition that is contrary to the essence of marriage. However, it appears that Alice, when she gave her consent, to be the wife of Charles only "in name," without dedicating herself to him, denied to him the right to her body, which pertains to the essence of marriage. And let it not be said, the defenders urge, that these dispositions of Alice cannot be sufficiently proven, since many among the witnesses learned of them at a time not suspected, and declared them in their testimonies. What then was the conjugal life from these beginnings, it is easy to gather, the advocates say. As soon as the bride and groom were alone, each revealed to the other the end that he had intended to achieve in entering into the marriage. Charles told Alice that he had only "fifty centimes" and that "the promises of money from his parents were purely fictitious." Alice, in turn, according to the same petition, handed to the groom what she had brought with her, and declared to him what she thought of him and his family, and that her dowry was in his possession; but that she would never be his wife. The priest of Meuve was, in a way, a witness to this first conversation between the spouses, who, after the wedding feast, led them to different rooms, and brought them their belongings, and who reports: "At five o'clock I saw descending by the stairs... "

[*Latin ed. p. 369*]

MECHLINIEN. 369. Monsieur le Baron, accompagné de sa Dame qui pleurait, quitta la maison. Monsieur le Baron m'avait dit qu'il souhaitait partir ainsi, sans être vus par les invités. Ils se rendirent à un hôtel à Bruxelles, où je les rejoignis une demi-heure après, avec leurs bagages. Arrivé à l'hôtel, je trouvai Madame très affligée dans un coin de la chambre, tandis que Monsieur se promenait dans la même pièce. De plus, les défenseurs ajoutent que Charles et ses parents, au moment où le mariage fut célébré, se trouvaient dans une situation très difficile et étaient presque au bord de la misère. Compte tenu de ces circonstances si tristes, les défenseurs affirment que la vie conjugale a empiré de jour en jour. Le plaisir du voyage nuptial dut être abrégé par manque d'argent. Alice résista autant que possible pour ne pas consommer le mariage ; et bien qu'elle fût fatiguée par les demandes incessantes et les plaintes de son mari, et qu'elle ait toléré ce que Charles fit de son droit, elle répondit, interrogée à ce sujet, : « Je n'ai absolument pas songé à reconnaître ainsi des droits sur ma personne, ni à pallier un défaut de consentement ; je ne connaissais pas la cause de l'invalidité de mon mariage. » De plus, selon les orateurs, les témoins du mari ont prétendu, à tort, que les lettres que Alice avait envoyées à Mariam de N... pendant le voyage nuptial montraient que le début de la

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vie conjugale avait été heureux ; mais, selon les orateurs, cela n'est pas seulement faux, mais absurde. Et il est certain que Charles, au moment où il contracta le mariage, était accablé de dettes ; il est également certain qu'il n'a pas, après le mariage, modifié en rien son mode de vie luxueux. Enfin, les orateurs concluent leur plaidoirie, en remarquant que personne ne peut nier la valeur du mariage entre Charles et Alice, et que, en même temps, les témoins, dont il est scandaleux de douter de la science et de la probité, n'ont tiré aucun avantage de la nullité déclarée du mariage d'Alice, mais ont menti et ont péché, ce qui est moralement impossible. Actes. Tome XXXIV. Fascicule. CDU. 24.

[*Latin ed. p. 370*]

370. EX S. C. CONCILII. The Defender of the marriage argues that the actress should not be considered to have acted in good faith, noting that almost fourteen years had passed since the separation of the marriage before the case could be presented to this Most Honorable Assembly. Indeed, on February 9, 1894, during her first appeal to ecclesiastical authority, she stated: "I believed that the blessing of the priest made the marriage indissoluble; but I did not believe that this blessing imposed obligations on me to which I had not committed myself before God. Therefore, I believed myself irrevocably bound to Mr. Charles before the Church, except for the restrictions that I had made." But here, as always, the Defender states that the Baroness asserts something completely untrue, and provides no reason to believe what she says. Indeed, you will find no witness who will speak of this matter, except for those who have heard it from the actress herself; and given the circumstances, namely, the already existing discord between the spouses, any reasonable person would find it difficult to believe that the actress was so ignorant as to think "that the blessing of the priest made the marriage indissoluble" without the consent of either of the spouses. Furthermore, the actress did not live in the desert, nor within the walls of a monastery, but in Brussels, in her father's house. Nor did she spend her youth in a secluded chamber; "She was raised by a governess," her father says. The Defender of the marriage points out that the opposing counsel argues that we should believe his client because the pastor of the parish of Bauffe wrote on April 12, 1896: "For two years that the family of Alice has lived in Bauffe, they have gained the sympathies of the inhabitants, and especially of the poor." However, the Defender of the marriage finds these previously mentioned acts of charity to be highly suspect, since they began with the commencement of the present legal proceedings. Furthermore, the present legal proceedings were initiated on February 9, 1894, and the pastor wrote on April 12, 1896. OBSERVATIONS OF THE DEFENDER OF

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THE MARRIAGE.

[*Latin ed. p. 371*]

MECHLIN. 371. "Indeed," says the Defender of the bond, "to claim that there was some ignorance on the part of Alicia concerning the nature of marriage would be like blinding oneself in broad daylight. For she herself began to discuss marriage from a very young age. Certainly, the actress herself testifies to the time that preceded the marriage agreement with the Baron Charles: 'She [the mother] had different marriage plans, which I tried with all my strength to thwart.'" Therefore, the advocate argues, Alicia delayed recourse to ecclesiastical authority regarding marriage for six years, not because she believed, "that the blessing of the priest made the marriage indissoluble" without the consent of either of the contracting parties; but because she held firmly in her mind the true, free, and spontaneous consent that she had given to the legitimate marriage. Indeed, there are letters, written at a time not suspect, both by the actress and by her mother, which not only definitively exclude any pretense of coercion, but clearly demonstrate the strong affection that Alicia felt for Charles. The letters cited, says the advocate, incriminate Alicia and her mother. But rather than submitting, they boldly assert that they have always lied. Furthermore, the mother says: "My daughter did not express her own feelings; she wrote under my inspiration." The daughter says: "I wrote under the dictation of my mother." But, the advocate points out, the letter of Alicia, mentioned above, refutes the actress. That letter was written by Alicia herself, without her mother dictating or inspiring it. The actress herself, under oath, has declared: "This letter was written without my mother's knowledge." Truly, the Defender of the bond argues, in that letter, Alicia herself reveals that she was not prepared to write letters dictated by her mother, nor to marry the man her mother desired, and she freely and abundantly reveals the secrets of her own household to the Countess of N. And if this is objected to, the Mechlin court has given...

[*Latin ed. p. 372*]

572 From the sentence of the Most Holy Council: "We judge that the bride, in truth, entered into the marriage under the influence of a grave and reverential fear by her own mother, and indeed, precisely in order to bring about this marriage, and that she gave an invalid consent." This occurs, the defender of the bond replies, because the court of Mechlin was entirely ignorant of the written letters. Then he adds that those six years, which elapsed from the separation of the conjugal life to the indication of the judgment, were certainly not idle. But the most wealthy house of Alice had diligently labored for that long period of time, in order to obstruct the path of the most hopeless cause. And in truth, it is not the case that those who do not see the hand of the lawyers, either in the cavilations in

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which, as the actress reports, they engage, or in the manner of acting of the witnesses, whom she induced, who, although the particular facts necessary to prove the fear are not readily available, are all intent on impressing the judges with opinions favorable to the actress. The aforementioned and similar formulas for giving testimony, which adverse witnesses abuse so widely, can be of no value whatsoever in the judicial truth. Indeed, the orator observes, these formulas are first conceived in general terms. But the Rota, in decision 301, n. 17, states: "All the witnesses testify that Mr. Charles was compelled by force or by the order of his father to enter into the marriage, which generic proof is not sufficient." Therefore, the orator continues, when reverential fear is brought forward in order to annul the marriage, of which we are speaking, the witnesses must narrate the individual facts with all the circumstances, and with the place and time, so that the judges may judge whether the alleged "continuous scenes" constitute a grave fear. Before asserting this, the defender of the bond observes, the actress herself questioned the judge: "Do the parents of Mr. Charles still live? Where do they reside?"

[*Latin ed. p. 373*]

MECHLINIEN. 573 reported: "The father is dead, and the mother has disappeared. For six years I have heard nothing of them." Consequently, the judge, having delegated an inquiry to a distinguished archiepiscop, and being certain that the extensive family of Baron Caroli had, as it were, vanished from human society, recounts: "The father of this man, Alice, is dead, and other relatives of his, as we are told, have abandoned their paternal home and migrated elsewhere." Deceived by these statements, and three or four times over, the good delegated judge did not even consider hearing witnesses from the man's side, but without delay, on September 28, 1894, he stated: "He says that he believes the proceedings can now be brought to an end, since it does not appear that any other witnesses can be heard with much benefit." However, the reason that immediately struck the orator was that the actress, or rather, the legal advisor, had stirred up Acheron, so that not only Baron Caroli, but also all his relatives, were either dead or of unknown whereabouts, according to the investigating judge. Indeed, they knew perfectly well that an action against such a marriage would be rejected from the very threshold of the court, if the truth, as it should, were to shine forth; if the man, or his close relatives, were subjected to a judicial examination; if letters from Alice and her mother to the relatives of Baron Caroli, sent at a time when there was no suspicion, were presented in court, of which several have been transcribed above. Moreover, the orator adds, the actress and her advisors were not deceived by this. For, as soon as the man learned of the action against the marriage, he wrote to the investigating judge: "The reason given to request the annulment of the marriage is the most false, and I have in my hands proofs that reduce it to nothing;

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therefore, I am very sorry to see that things have gone so far, and that, above all, I was not warned beforehand, because I have never hidden myself, and my family has always known where I was." Furthermore, Caroli's father, who, if Alice and her family are to be believed, would have died long ago, also opposed the proceedings and testified. The forced marriage, and also the man, Lewis, are added.

[*Latin ed. p. 374*]

374 The speaker from the Sacred Council, without circumlocution, excludes all other witnesses except those from the man's side. Moreover, according to the speaker, the actress does not deserve credibility when, contrary to all the man's relatives, whom she had either killed or driven out of human society, she herself initiates a criminal investigation with her own efforts. Indeed, the speaker insists that the testimonies of witnesses from the man's side are to be held in the highest regard; and because they do not stray from the core of the matter, and because they are consistent with the aforementioned writings of Alice and her mother at a time when no suspicion existed; and also because they align with two men, who are the only ones from the entire group of witnesses who are entirely without exception, namely, who 1° are not swayed by partiality, since they are not bound to either spouse by blood or any other bond; 2° are esteemed by all; 3° finally, they testify from their own knowledge. Indeed, the speaker continues, "Did you witness the celebration of the marriage? What were Alice's dispositions the day before and on the day of the marriage?" The military tribunal replies: "I witnessed the marriage as a witness. Miss Alice appeared very happy. Furthermore, she did not confide anything to me." The judge: "Did you notice on the very day of the marriage that she was sad? Did she weep?" Adrian: "She was very cheerful." Nor did the parish priest, Peter Van Roey, respond differently, who, when asked by the judge, "What was the attitude of the young woman," after having stated that he had not observed the mutual consent of the marrying parties, replied: "I do not remember having noticed any hesitation on the part of the young fiancée, nor any emotion demonstrating regret for the act she was about to perform. I remember nothing of this kind, and no one has made any remarks to me on this matter." When the judge urgently asked: "Would Miss Alice have married Mr. Charles against her will? Please tell us everything you know."

[*Latin ed. p. 375*]

MECHLINIEN. 375 "you have heard something about this": the parish priest replies: "I have heard nothing about this." The judge continues: "Do you think that Madame Alice contracted marriage only under the duress of her mother? Why?" The parish priest: "I cannot answer this question, because I have not conceived the slightest suspicion in this regard." Fur-

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thermore, the defender observes that the witness, Mathilde Morel, knows nothing of her own knowledge, and whatever she recounts, she could only have learned from the plaintiff, and at a time indeed suspect. For this reason, when giving her testimony, she prudently omits the source of her knowledge, remaining silent about the persons from whom she heard, or the time when she learned it. With these points noted, it was deemed necessary to examine the doubt: Whether there exists a basis for declaring the marriage null in this case. RESOLUTION. After deliberation by the Sacred Congregation on January 25, 1902, it was decided to respond: From what has been presented, it does not sufficiently appear that the marriage is null. FROM THE MOST RECENT DECREES OF THE SACRED CONGREGATION FOR RITES. VALVEN and SULMONEN. A doubt regarding women who walk behind confraternities, wearing sacks, singing in the vernacular language, and then the clergy. 1. In public and sacred processions, women cannot walk between the confraternities and the clergy. 2. They can follow the statue, and sing when the clergy is silent, only in processions and outside the church. The current Pro-Vicar General of the Most Reverend Bishop of Vaivén, and Sulmonen, with the consent of his Superior, has humbly presented to the Sacred Congregation, that in some places, in public...

[*Latin ed. p. 376*]

576. According to the established custom and sacred processions, after the lay confraternities, who wear their own distinctive garments, a large number of women, especially young women, walk two by two, singing hymns in the vernacular language, and then the clergy follow. Thereafter, the Reverend Orator presented the following questions to be resolved: I. Is such a practice permissible? II. And, supposing that it is not permissible, could it at least be permitted for women to walk immediately after the statue of the Blessed Virgin Mary, or of some other Saint, and to sing when the clergy are silent? And the Sacred Congregation, after considering the report of the undersigned Secretary, and also having heard the opinion of the Liturgical Commission, decided to respond as follows: To I: Negative. To II: Affirmative, in the first part, and also affirmative in the second, but only in processions and not within the Church. And thus it responded, on November 29, 1901. D. CARD. FERRATA, Prefect of the Congregation of Rites. D. PANICI, Archbishop of Laodicea, Secretary.

Regarding a votive Mass for the Sacred Heart of Jesus, etc., in the Valley of Vidon:

1. A votive Mass for the Sacred Heart of Jesus, celebrated on the first feria of January, which falls on the eve of the Epiphany, cannot be celebrated.

2. The stole with a cope is not to be worn by the celebrant at Vespers when celebrating before the Most Holy Sacrament, because he must incense at the Magnificat.

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3. The rose color may be used on the Third Sunday after Easter and on the Fourth Sunday of Lent, both in private Masses and in the Divine Office.

The Reverend Father Henry Sauvé, Canon and Master of Ceremonies of the Cathedral Church of the Valley of Vidon, with the consent of the Most Reverend Bishop, humbly requested that the following questions be kindly resolved by the Sacred Congregation, namely: I. Can a votive Mass for the Sacred Heart of Jesus, granted by the decree of the City and the World, on June 28, 1889, be celebrated on a feria, which occurs first in the month of January, when that day falls on the eve of the Epiphany?

[*Latin ed. p. 377*]

From the Sacred Congregation of Rites, 377 II. Whether, during Vespers celebrated before the Blessed Sacrament exposed, the hebdomadarius [a type of cleric] should wear the stole from the beginning, due to the incense offered to the Blessed Sacrament during the singing of the Magnificat: and, if not, whether he should at least wear it during the Magnificat? III. Whether, on the Third Sunday of Advent, and on the Fourth Sunday of Lent, vestments of the rose color may be used not only in the solemn Mass, but also in private Masses and in the Office of the day? And the same Sacred Congregation, after considering the report of the undersigned Secretary, the careful opinion of the Liturgical Commission, and all matters carefully, decided that the following should be answered: I. Negatively. II. Observe the Rubrics and Decrees. III. Affirmatively. And thus it decreed. On November 29, 1901. D. L. S. CARD. FERRATA, Prefect. f D. PANICI, Archbishop of Laodicea, Secretary.

DOUBT: Regarding the singing of the litanies of the Blessed Virgin Mary, namely, whether the Litanies of Loreto can be sung to the people, with the congregation responding at the fourth invocation, through triple invocations. The Sacred Congregation of Rites inquires: Whether, in the sacred functions, which are most often performed in the evening hours in churches or chapels, with the exposition of the Most Holy Eucharist, it is permissible, as is the ancient custom in many churches, even in the city, to sing the Litanies of the Blessed Virgin Mary of Loreto, with triple invocations, with the faithful people responding at the fourth invocation, and thus completing the final invocation: "Regina Sacratissimi Rosarii, ora pro nobis?" And the same Sacred Congregation, after considering the report of the undersigned Secretary, and the careful opinion of the Liturgical Commission, decided that the following should be answered: Affirmatively. And thus it decreed, on December 6, 1901. D. CARD. FERRATA, Prefect. f D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 378*]

378 EX S. C. RITUUM PLEN. Dubium: It is asked whether the minister who assists at Mass with singing ought to be vested in the sacred vestments.

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The minister of Mass ought to be vested in the sacred vestments if he is to assist with singing, according to Canon 3377, which prescribes that the chalice should be wiped. The Most Reverend Bishop of Plocensis humbly proposed the following doubt to the Congregation of Sacred Rites, for a suitable solution, concerning a minister who, according to Canon 3377, at Mass with singing, turns the pages, covers the chalice, wipes it, pours in wine and water, and covers the chalice again during the action, and, as the opportunity arises, also wipes it after Communion and adorns himself with his own vestments; namely, whether this minister ought to be considered vested in the sacred vestments. And the same Sacred Congregation, with the reference of the undersigned Secretary, after hearing the opinion of the Liturgical Commission, decided to respond as follows: "Affirmatively, if he is also to wipe the chalice." And thus it responded, on December 6, 1901. D. CARD. FERRATA; Pref. L. S. D. PANICI, Archbishop of Laodicene. Secretary. BRIXIEN. Concerning the beatification and canonization of the Venerable Servant of God, Bartholomew Capitanio, foundress of the Congregation of Sisters of Charity in the town of Luere, in the Diocese of Brixiensis. CONCERNING THE DOUBT: Whether the virtues of Faith, Hope, and Charity, in God and towards one's neighbor; as well as the Cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and those virtues that are connected with them, are present in a heroic degree in the case and with regard to the effect of which we are speaking. To the human race, surrounded by so many dangers, and subject to so many bodily and spiritual sufferings, how much comfort that holy religion offers, which is to visit orphans and widows in their tribulation, and to keep oneself unspotted from this world (St. James, Epistle Catholic, I, 27), among other things, clearly shows the Institute, which is, moreover, commended with the title of Sisters of Charity.

[*Latin ed. p. 379*]

From the Sacred Ritual, section 57D, it is added as a safeguard for the faithful, and as a new cohort of angels, – if indeed, "all things are to be done for the salvation of our neighbors" (St. John Chrysostom, *In Epistulam ad Hebraeos*, Vol. III) – so that it may impress itself upon the eyes and minds of all, even those who do not hold favorable views of the Catholic religion, thereby winning their admiration. Therefore, this generation, distinguished by its purity, will be immortal in memory, for it is known both to God and to men. Such a worthy offering to the Blessed Virgin Mary deserves to be honored alongside Alexander Luzzago, a glory of the Brixiensis region, and to receive the honors of the Blessed Caelitus, both for the sign of sanctity in her life and for her outstanding merits for the Christian commonwealth. The blessed Felicitas, Servant of God, was born in the town of Luere, near Sebin, on the ides of January, in the year 1837. Possessing a keen intellect and a fervent spirit, throughout her childhood and early ado-

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lescence, she never strayed from the path of virtue, but, having set before herself the example of all virtues, especially those that shone forth in the life of Aloysius Gonzaga, she sought to emulate them. Even a glimpse of her future ministry was evident, as she often encouraged her companions to visit the chapel dedicated to the Virgin Mary, and later, upon reaching adulthood, she carefully oversaw the proper establishment of this group. At the age of ten, she entered the monastery of the Holy Clare in Luere, and in that home, she ascended even higher in virtue, and she established a most beneficial institution for the young girls under her care. Later, recalled by her parents, she immediately sought to open a path for all women to pursue the virtues of religion and piety within the paternal home. This discipline not only fostered piety and virtuous conduct in the girls, but also brought great benefit to the surrounding villages and towns through the efforts of the teachers. However, it seemed that the scope of her work in educating young women was limited, so she added the Foundation of the Sisters of Charity, an institution that encompassed every kind of fruitful ministry. Therefore, she undertook new labors, without abandoning her teaching duties: she ministered in hospitals, caring for the sick; she visited the poor, whether in private homes or in obscure places; she went from house to house, offering help to those in need; she broke bread to the hungry; she visited prisoners, consoled the sick, and comforted the afflicted.

[*Latin ed. p. 380*]

380. To raise up those afflicted by the rites of Holy Church, to attend to the dying in their final hours, never forgetting the saying: "It is better to go to the house of mourning than to the house of feasting." Moreover, it allowed no time to be wasted in diligently seeking the salvation of one's neighbors through fervent prayers, the example of one's life, exhortations, and writings. Although her life's journey was laborious and, indeed, cut short prematurely, her death, like that of her patron, Aloysius Gonzaga, whom she so admired, was precious in the sight of the Lord. Having worn out her frail body with toil, and grieving that she had not merited more of divine goodness, and trusting that the sodality she had founded would, beyond all hope and expectation, grow, she, ablaze with angelic purity, was transferred to the verdant meadows of her eternal home at the age of twenty-six years. The reputation for holiness that the Venerable Servant of God, even in life, possessed, increased after her death to such an extent that, a few years later, a process concerning her life was begun in the Congregation of Rites. Therefore, after all these things had been completed, and in accordance with the constitutions of the Roman Pontiffs that require such matters to be handled in this manner, the virtues of the Venerable Servant of God, Bartholomew Capitanio, were investigated; first, in a preliminary meeting held in the halls of Cardinal Lucidi, with the participation of Monsignor Maria Parocchi, Bishop of Porto, and Monsignor Rufina, Relator of

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the Cause, on the eighth day before the Kalends of November, in the year 1900; then, in a preparatory meeting convened at the Vatican, five days before the Kalends of June, in the following year; and finally, before His Most Holy Holiness, Pope Leo XIII, in a general assembly on the sixth day before the Kalends of December of the same year, where the aforementioned Cardinal, Relator of the Cause, proposed the question: "Whether it is established that the Venerable Servant of God, Bartholomew Capitanio, in the case and to the effect of which we are speaking, possessed the Theological virtues of Faith, Hope, and Charity in God and in her neighbors, as well as the Cardinal virtues of Prudence, Justice, Temperance, and Fortitude, and those virtues that are joined to them, in a heroic degree." All those present, the Most Reverend Cardinals and Consultors, gave their votes in order. The Most Blessed Pope, having heard all the opinions, declared that "the Venerable Servant of God, Bartholomew Capitanio, excelled in every kind of virtue, and that she had deservedly merited the honor of her virgin consecration." "Indeed," he said, "it is a cause for joy, and it calls to mind the special graces that God has bestowed."

[*Latin ed. p. 381*]

From the Sacred Rituals, number 381: "Indeed, we live in calamitous times, when so many corrupting and pernicious arts are presented to the young, and nothing is more important, nothing more salutary, than that souls, stirred by God, should shine forth with holiness, following the example and sanctity of the heroic Bartholomew Capitanio. Furthermore, We shall speak of the abundance of divine light at another time."

Today, just as the wise men adored the infant God, the Most Blessed Father, after repeated prayers offered to the Sacred Liturgy, received in this Vatican hall the Most Reverend Cardinals Dominic Ferrata, Prefect of the Sacred Rituals Congregation, and Lucidus Maria Parocchi, concerning the cause of the venerable Servant of God, Bartholomew Capitanio, together with the Reverend Father John Baptist Lugaris, Promoter of the Holy Faith, and, with me present in secret, solemnly declared: "That the virtues of Faith, Hope, and Charity in God and in one's neighbor, as well as the Cardinal virtues of Prudence, Justice, Temperance, and Fortitude, and those things connected with them, are present in the venerable Servant of God, Bartholomew Capitanio, in a heroic degree, in the case and with regard to the matter under consideration. This Decree is to be promulgated and referred to the Sacred Rituals Congregation on the eighth day before the Kalends of January, in the year 1903."

D. CARD. FERRATA, Prefect.

L. S.

D. PANICI, Archbishop of Laodicea, Secretary.

NONANTULA.

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Concerning the Beatification and Canonization of the Servant of God, Sister Mary Diomira of the Incarnate Word, a Capuchin nun, in the monastery of Fanano.

The Institute of Capuchin Nuns shines anew, as it were, through another of its members, celebrated for her sanctity: Mary Diomira of the Incarnate Word, born in Genoa on February 27, 1708, to Swiss parents, John Serriet and Theresa Curti. She received the sacred name of Mary Theresa at her baptism.

Even as a child, she showed a life of penance, abstaining from certain foods on Fridays and other days, much to the delight of her nurses. Barely five years old, she gave away the food she had been denied to the poor, and, striving to please her pious parents, she delighted in reciting before them the first lessons of the catechism that she had learned at school. For the sake of Christ the Redeemer...

[*Latin ed. p. 382*]

382 FROM THE SACRED RITUAL, she, attached to the Cross with love, desired to suffer hardships and pains, and sought out, with singular zeal, incentives to suffering. When her parents had moved to *Monteu da Po*, they entrusted her to the care and discipline of the nuns of the Order of Saint Benedict residing there. After two years, she returned to her paternal home, and she maintained the manner of life which she had commendably begun in the ascetic environment of *Pisasses*, until, in the year 1730, at the age of twenty-two, she entered the Institute of Virgins at Fanano, near Nonantola. After completing her novitiate, she solemnly made her vows as a Handmaid of God, taking the name Mary Diomira of the Word Incarnate; and on that day, she assisted with fervent and heartfelt prayers offered to God for the salvation of souls. In the duties assigned to her, whether as mistress of the novices, or as superior of the ascetic community, or as head of the domestic cell, she presented the image of a strong and virtuous woman, wise and prudent, as commended in the sacred Scriptures. Whatever she considered to be for the good of the monastery and for the perfection of the nuns, she diligently and assiduously sought to achieve. Enduring many adversities with the suffering of the Body of Christ, strengthened by daily prayer and assemblies, she made great progress in the religious life, so that she acquired a reputation for holiness within the cloister. Finally, Mary Diomira was struck by a mortal illness, and when she perceived that death was approaching, she gave pious exhortations to her sisters, received the Sacraments of the Church, and, with the Apostolic Benediction at the very moment of death, peacefully departed in Christ, with her heart and mouth repeating, "Jesus," on January 14, 1768. Upon the announcement of her death, the entire order, the city, and the people immediately flocked to the funeral and to the tomb of the Handmaid of God, proclaiming her relics as a pledge of love and intercession. Her life, illustrious for its sanctity,

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virtues, and miracles, became increasingly evident and shone forth day by day, so that investigations were instituted and subsequently transmitted to the Sacred Congregation of Rites. When all matters were brought to a conclusion for the introduction of the cause, after the decrees had been issued on July 5, 1898, concerning the revision of the writings, and on July 19, 1901, concerning the dispensation from the ten-year period and the intervention of the Consultors, at the insistence of the Most Reverend Bernard M. Nardi, Bishop in title of Thebes, and of the Order of the Minor Friars of Saint Francis of Assisi, the Capuchins of Po...

[*Latin ed. p. 383*]

From the Sacred Congregation of the Holy Office, number 383, and having considered the letters of the Postulators of several Roman Sacred Prelates, and of others holding ecclesiastical or civil office, and especially of the Poor Clares and the Capuchin nuns of Fanano, and after having heard the opinion of His Eminence and Most Reverend Lord Cardinal Lucido M. Parocchi, Bishop of Porto and Santa Rufina, and Relator in this cause, in Ordinary Assemblies held before the Vatican, the following question was proposed for discussion: "Whether a Commission for the Introduction of the Cause should be signed in this case and for the purpose of which we are speaking?" And the Most Eminent and Most Reverend Fathers entrusted with the safeguarding of the sacred rites, after hearing the report of His Eminence the Cardinal Relator, and after having heard the voice and the written opinion of the Reverend Father John Baptist Lugari, Promoter of the Holy Office, having considered all matters, judged it fitting to write: "Affirmatively, that the Commission should be signed, if it pleases the Most Holy." On December 10, 1901. Having related all of the above to the Most Holy Lord Pope Leo XIII, His Holiness approved and ratified the Rescript of the aforementioned Sacred Congregation, and deigned to sign the Commission for the introduction of the aforementioned Cause, concerning the Servant of God Maria Diomiraea, of the Holy Word Incarnate, on the 21st day of the same month and year.

DOMINICUS CARD. FERRATA, Prefect of the Sacred Congregation of the Holy Office.

L. M. S. F.

D. PANICI, Archbishop of Laodicea, Secretary of the Sacred Congregation.

FROM THE 8TH SESSION OF THE SACRED CONGREGATION OF THE HOLY OFFICE: A Decree is issued stating that, under no title and under no pretext, the causes of subordinates are to be recognized by Superiors Regular in matters pertaining to the Holy Office.

Thursday, May 15, 1901.

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In the General Congregation of the Sacred Roman and Universal Inquisition, the Most Eminent and Most Reverend Lords Cardinals, as Inquisitors General in matters of the Faith, proposed the following Decree:

As has been decreed by the Supreme Pontiffs on many occasions, in matters pertaining to the Holy Office, no recognition of the causes of subordinates is to pertain to the Superiors Regular, and therefore, under no title or pretext, may they or should they inquire into these matters, unless by an express mandate of the Holy Congregation.

[*Latin ed. p. 384*]

384 FROM "POENITENTIARIA APOSTOLICA": To receive depositions, to question witnesses, to examine the accused, to institute a trial, to pronounce sentence, or in any other way or manner to become involved or to lay hands upon [a case]: but those Religious men who, concerning crimes committed by their subordinates or confreres, or even superiors, (especially those pertaining to the abuse of the Sacrament of Confession), have knowledge of the accused or suspects, must, without any communication with others whatsoever, without seeking any permission, and without any prior fraternal correction or admonition, immediately report them to the Holy Office or to the local Ordinaries. Lest these most holy laws be neglected or violated through ignorance or malice (may God prevent it), it is incumbent upon the Superiors to diligently and opportunely remind their subordinates of their certain and distinct duty, and to insist upon their full observance. All of which was benignly approved and confirmed by Our Most Holy Lord, Pope XIII, in an audience with the Reverend Father General Commissary on the 17th day of the same month and year. L. % S. I. CAN. MANCINI & R. and U. I. Notarius. FROM "POENITENTIARIA APOSTOLICA": Peter, recently deceased, left a bequest in his will for the sum of one thousand florins in favor of a pious cause. That will, as if it were a testament, entirely lacks the formalities required by civil law. The will having been declared invalid, John, who came into possession of the inheritance as heir, refuses to pay the aforementioned sum of one thousand florins, provoking the Emi D' Annibale with the words: "As long as the Holy See has not spoken, we believe it is not necessary to disturb those who do not fulfill the bequest made for a pious cause in a will that is invalid according to civil law." - Can John be obligated, even in the denial of absolution, to pay this pious sum? - The Sacred Penitentiary, after mature deliberation and having considered the matter, responds: It is the practice of this Tribunal that, in similar cases, pious bequests are generally considered valid and binding in the forum of conscience: it is easily admitted that heirs may make a settlement with the Church or with the pious cause to which the bequest was made. - Given at Rome, in the Sacred Penitentiary,

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on the 10th of January, 1901. B. POMPILI ...S. P. Datarius R. CELLI Substit.

[*Latin ed. p. 385*]

385 FROM THE HOLY CONGREGATION OF THE COUNCIL OF GENOA. REGARDING THE PENSION. Dated January 24, 1902. Through summary proceedings. A SUMMARY OF THE FACTS. The priest Boraggini, who held the parish benefice of Saint Xystus in the city of Genoa for eight years, relinquished this benefice on November 4, 1897, at the request of the Archbishop, in order to undertake the office of his predecessor in the Seminary for the discipline of ecclesiastical law. However, the priest Boraggini attached a condition to his resignation, namely that he be granted the benefice of a canonry in the Cathedral Church; and this condition the Archbishop accepted. Then, however, no canonry was vacant which could be conferred upon the priest Boraggini; therefore, it was decided to obtain the approval of the Holy See for the imposition of a pension of one thousand *lire* annually on the parish benefice of Saint Xystus. The priest Boraggini states that such a pension was not too burdensome for the parish benefice, which yields annual revenues of six thousand *lire*; nor was it excessively profitable to him, since the revenues of a cathedral canonry scarcely exceed one thousand *lire*. The priest Marcellus Grondona, who held the parish benefice of Saint Xystus, acknowledged and paid the pension, as stipulated, from November 4, 1897, although he did not receive the fruits of the benefice until March 1, 1898, when he obtained the *exequatur* which is called. The priest Boraggini, however, having been appointed a canon on February 19, 1900, did not receive the fruits of his canonry until the year following his appointment, due to a custom long established in the Cathedral of Genoa, whereby the fruits are not received until the year following the nomination of the canons; therefore, only from January 1, 1901, did the canon Boraggini receive the fruits of his canonry, and he maintained that he had paid the pension.

[*Latin ed. p. 386*]

386 From the Most Holy Council, this [matter] has remained unresolved to this day; no account has been taken of a prior canonical possession, since that possession did not produce any fruits. The parish priest of Saint Xystus opposed this intention and presented the following petition to the Sacred Congregation: "By the Bull of October 21, 1897, the Most Holy See appointed me as Prior of the parish benefice of Saint Xystus, which was vacant due to the resignation of the Reverend Raffaele Boraggini; I made a profession of faith on November 5 of the following year, I took canonical possession of the benefice on the 28th of the same month, and I received the Royal *exequatur* for the temporalities on March 1, 1898, but with the obligation to repair, at my own expense, the roof of a building belonging

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to the benefice, which, according to an expert assessment, would cost six hundred lire, but in reality cost eight hundred; thus, it is reasonable to say, even setting aside other expenses for repairs, that I did not enter into possession of the temporalities of the benefice before May 1898. "Boraggini, upon resigning, reserved for himself an annual pension of one thousand lire, which was granted to him by a Rescript of October 21, 1897. "This pension, to be paid in semiannual installments in arrears, was to commence on the day that Marcellus, the aforementioned parish priest of that church, took possession, and was to continue until Boraggini had obtained the Canonry and Prebend of the Metropolitan Church of Genoa. "Boraggini insisted that the pension should begin on the very day that he left the parish, that is, November 4, 1897. Grondona, in order to avoid disputes, paid and continued to pay the pension until the end of June of this year, 1900. "The same Boraggini, by a Bull of February 19, 1900, was appointed Canon of the Metropolitan Church, made a profession of faith on April 18, took canonical possession on May 7, and, for some time now, has also received the Royal *exequatur*. "But in the Metropolitan Church of Genoa, there is a long-standing custom of not allowing new Canons, even if they have taken possession, to enjoy the Prebend and its revenues."

[*Latin ed. p. 387*]

JANUARY 387. Concerning distributions, if not in the year following that of their appointment; therefore, Boraggini will receive the full amount on January 1, 1901. However, they are entitled, if they participate in certain functions, to the so-called uncertain sums, which amount to approximately three hundred lire annually. But Boraggini did not concern himself with these, because, up to the present, he has not participated in any function of the Chapter. "For the reasons stated above, the petitioner believes that he paid the pension to Boraggini not in arrears, as he should have, but in advance, because he paid long before receiving [it]." "He also believes that Boraggini is now a true prebendary, although, due to a local custom, he does not receive what is due to him."

A Synopsis of the Dispute. Therefore, the question today concerns whether the parish priest of Grondona still owes the half-year's pension accruing from July 1 to December 31, 1900. The parish priest of Grondona argues that he is not obligated to pay this, especially since he already paid the other half-year's portion, namely from November 4, 1897.

On the other hand, Boraggini contends that this is due to him for the following reasons. He points out that, according to the Bulla of collation, in accordance with the agreement entered into between the Archbishop and the priest Boraggini, the pension is to be paid until (Boraggini) has obtained a canonry and a prebend in the Metropolitan Church. The canon, however, states that the prebend is constituted from beneficial fruits, not from certain revenues or daily distributions; and that he, in fact, did not

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receive the fruits of the prebend except at the beginning of the year 1901. Boraggini believes that the title of pension confers a right to honest support, and therefore is not extinguished by the mere possession of the prebend without the receipt of its fruits. This concerns the right to receive the pension up to December 31, 1900; concerning the obligation of the Beneficiary, WHICH APPEARS TO BE CLEAR FROM THE FOREGOING.

[*Latin ed. p. 388*]

388 The canon asserts that this began on November 4, 1897, as Grondona himself acknowledged, who, from that day forward, without any contradiction, paid the pension. And the canon continues: "In fact, the Bull states that the pension must be paid by Grondona from the day he acquires possession of the aforementioned parish church. Now, he entered into actual possession and administration of the parish on the day that I left, that is, on November 4, 1897, although he postponed the ceremony of possession to the 28th of the same month, and from November 4th, he began to receive all the uncertain revenues that exceed 2000 Lira annually, plus 960 Lira, the rent from two apartments, and also the allowance that the Royal Economate gives to spiritual Economists during the vacancy of the parish." However, the parish priest did not receive the full revenues of the parish until March 1, 1898; and this, according to the pensionator, does not affect the obligation to pay the pension, because it was stipulated in the Bull that the pension was imposed "on all and each of the fruits, revenues, and proceeds, certain and uncertain, of the same parish church." Furthermore, according to the pensionator, expenses incurred by the parish priest for repairing the roof do not impede the payment, because the pension was imposed "from every and whatever burden now imposed, and for any time whatsoever, and in all things and through all things, and absolutely in all respects, free and exempt." Finally, the canon observes that it does not correspond to the truth what the parish priest states in the book, namely that he has been paying from the beginning, from November 4, 1891, in order to avoid any objections, because, in truth, no objection was raised at that time, as the beneficiary did not object when he paid half of the pension up to the month of June. And the parish priest did not object either time, because he was aware of his rights, the pensionator notes; and he interprets this easy and belated change of will by the beneficiary as an indication of an illegitimate intention.

WHAT APPEARS TO FAVOR THE PARISH PRIEST. On the contrary, the letters of appointment appear to favor the parish priest, which order the payment of the pen-

[*Latin ed. p. 389*]

JANUARY 389: The obligation of paying the pension must be fulfilled "from the day that Marcellus (Grondona) acquired possession of the

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aforementioned parish church, until the time that you (Boraggini) have obtained the canonry and benefice of the Metropolitan Church of Iuven, and are in possession thereof." However, it is suggested that possession should not be understood in a purely canonical sense, but in an objective sense, namely, in relation to the perception of the fruits of the benefice, because equity dictates that the pension must be paid from the fruits of the benefice; therefore, to begin fulfilling the obligation of the pension is the same as determining the time at which, not merely the solemnity of possession, but the effect of possession, or the perception of the fruits, takes place. But the very words of the Bullae clearly indicate that the pension is imposed cumulatively "upon all and each of the fruits, revenues, and proceeds, certain and uncertain" of the same church. And first, the principal is stated, namely, the fruits of the benefice, and then the accessory, namely, the uncertain revenue. Finally, it seems necessary to invoke the principle stated in Rub. tit. 2, lib. 2, as follows: "That which each one establishes as a right for another, he himself must also use by the same right." This principle is explained by Ulpian in leg. 1, h. tit.: "This edict contains the highest equity and is just without causing indignation to anyone. For who would object to the same right being applied to him that he himself has applied to others, or has caused to be applied?" And the Canon Boraggini argues that the benefice, already possessed but lacking the fruits of the benefice, does not obligate the pension to the pension holder, under the condition that the benefice has been obtained; therefore, it seems, by the same reasoning, that the obligation of the benefice should be considered such that this obligation of the pension does not arise until after the full perception of the fruits of the benefice. With these considerations, the question was raised as to how the prayers should be addressed.

RESOLUTION: The Holy Congregation of Rites, after deliberation on January 25, 1902, decided to respond: The parish priest Grondona owes nothing further to the Canon Boraggini with regard to the pension.

[*Latin ed. p. 390*]

590 FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS OF FODIANA, OR TROIA, CONCERNING THE PENSION, dated August 9, 1901. SUMMARY OF THE CASE. This matter has been presented to the Most Holy Congregation of Bishops and Regular Canons three times (1). It is fitting to briefly explain the origin of the controversy. By the authority of the Bull of Pius, dated June 25, 1855, the new diocese of Fodiana was established by the Most Holy Pope, separating the city of Fodiana from the diocese of Troia, and the territory formerly belonging to the Abbey of Nullius, in Lamis, from the church of Sypontina. The following provisions were made for the endowment of the new episcopal see: For the episcopal residence and chancery, it was stipulated

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that, as long as a suitable episcopal palace had not been acquired, the municipality of Fodiana would pay the bishop two hundred ducats per month for the use of a suitable house; furthermore, the municipal treasury remained burdened with the annual payment of one thousand ducats, which would never be subject to any reduction; all of this was established with the solemn promise of both Kings of Sicily, and through their intercession, the erection of the new see was facilitated by the Bishop of Troia. However, since the assigned revenues were entirely insufficient for the proper endowment of the new see, the Supreme Pontiff, in the same bull, reserved an annual pension of two thousand four hundred ducats from the revenues of the table of Troia, to be paid entirely and free from any charge, for the benefit of the new see; nevertheless, the Pope stipulated that the municipality of Podiano could redeem this annual pension of one thousand ducats by substituting stable funds, which would yield an equivalent income free from all taxation, and that the pension on T (1) *Repertorium Vol. XXXII, page 118*.

[*Latin ed. p. 391*]

FODIANA OR TROIA 391: The sum imposed on Troia was to be reduced to one thousand four hundred ducats, subject to the fulfillment of the solemn agreement undertaken by the King of both Sicilies to allocate to the Fodian fund a capital sum equal to the net revenue. However, no such substitution of funds has yet occurred; hence, the Troian fund has not been able to benefit from the desired reduction in its pension. In the meantime, the "italica" law concerning the conversion of ecclesiastical assets, dated August 15, 1867, was promulgated, and the Troian fund's assets were subjected to an extraordinary tax increase, commonly known as "dei 30 per cento" (of 30 percent). Furthermore, upon the conversion of the funds, the Troian fund was subjected to another tax, known as "di ricchezza mobile" (on movable wealth). Regarding these taxes, a question was raised with the Sacred Congregation of Bishops and Regulars, concerning whether these taxes were to be borne entirely by the Bishop of Troia, or also in proportion by the Fodian pension. In a plenary session on April 5, 1895, the following question was proposed: "Whether and how the Decree *Cum nuperrimis* is to be applied in this case?" The Sacred Congregation responded: "That the tax imposed by the Government, commonly known as 'dei 30 per 100,' is to be borne by both the Episcopal fund of Troia and the Fodian fund in proportion. However, with regard to the other tax, known as 'di ricchezza mobile,' it is to be borne by the Bishop of Troia, with the reservation of the right of the same Bishop to exempt himself from it by transferring to the Fodian fund a capital sum corresponding to the revenues subject to this tax." Both the Bishop of Troia and the Bishop of Fodian appealed from this decision; however, the Bishop of Fodian sent a representative regarding the tax commonly known as "dei 30 per 100," because he recognized

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that this tax implied a true diminution of assets. In the meantime, new questions arose, both concerning the method of separating the capital sum corresponding to the pension in favor of the Fodian fund, as mentioned in the aforementioned decision, and concerning another extraordinary tax, commonly known as "di ricchezza mobile," which was imposed by the Government with retroactive effect, after the Sacred Congregation's decision was made known. The Bishop of Tro-

[*Latin ed. p. 392*]

592 FROM S. G. EPISTLES AND RULES: The Bishop of *summa* asserted that a principal sum of 7140 florins should be paid, yielding no consideration for taxes; on the contrary, the Bishop of Fodiano, beyond the aforementioned point, claimed another principal sum, the revenue of which would cover taxes, commonly called *di ricchezza mobile*. Furthermore, the Bishop of Troiano wished to complete the separation by ceding to the Fodiano canons those obligations which were enforceable in the Fodiano city for an annual sum of 2914.63 florins, and the remaining principal sum in public debt securities; on the contrary, the Bishop of Fodiano renewed the canons, also contending that another extraordinary tax, commonly called *di ricchezza mobile*, should be borne solely by the Bishop of Troiano. Consequently, in the plenary session of March 24, 1899, the following questions were proposed. I. Whether and how the decision of April 5, 1895, should be confirmed in this case. II. Whether the new tax, commonly called *di ricchezza mobile*, should be borne solely by the Bishop of Troiano or also by the Bishop of Fodiano. III. How the right of the Bishop of Troiano regarding the separation of the pension owed to the Fodiano canons should be understood or interpreted, or rather, whether the Bishop of Troiano should transfer to the Bishop of Fodiano a principal sum yielding 7140 florins, free from all taxes, or whether it suffices to transfer a principal sum yielding 7140 florins, with no consideration for taxes. The esteemed Fathers then adjourned to deliberate on these questions, and subsequently gave the following answers. Regarding I: The opinion should be confirmed concerning the first and second parts; concerning the third, provision will be made in the response to question 3. Regarding II: The tax should be borne by the Bishop of Fodiano. Regarding III: The separation of the principal sum should be carried out according to the terms of the letter of the Bishop of Troiano of April 26, 1897. The representatives of the parties insisted on a revision of this judgment. However, the Bishop of Fodiano did not admit the appeal; rather, he requested that the judgment be executed in *comum*.

[*Latin ed. p. 393*]

FODIANA, or TROIA, dated 393, was sent. However, the Bishop of Troia was granted the benefit of a new hearing, concerning only the assessment

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of the "taxa vulgo dei" (commonly called a wealth tax). Meanwhile, the Bishop of Troia having died, a modern Bishop succeeded him, who, for the serious office to which Prelates are bound, namely to defend the rights of their see, subjected the matter to a more thorough investigation, and proposed two new questions. I. Concerning the increase of the "taxa vulgo dei" to 30 per 100. II. Concerning the "taxa vulgo di ricchezza mobile" which the Bishop of Troia was to refund to the Bishop of Fodiana in the transfer of securities representing public debt, for the sum of revenue stated in the document: 4225.37, according to the procedures outlined in the aforementioned letter of the Bishop of Troia, dated April 26, 1897.

A Synopsis of the Arguments: THE RIGHTS OF THE BISHOP OF FODIANA. Here, although he declares that he fully accepts the final decision of the Holy Congregation, in a letter sent to the same Holy Congregation on May 3, 1901, he presents some further points. First of all, he recalls that the pension, which originally consisted of 10,200 livres, has recently been reduced to 6010 livres. In this reduction, not only was account taken of the "taxa vulgo dei" of 30 percent, but also an extraordinary tax on movable property of 1130 livres was included: and this was done in accordance with the procedures of the final resolution, and in proportion to the pension paid by the regional sub-economus during the period of the vacancy of the see of Troia. But the modern Bishop of Troia, he continues, has imposed a further reduction on the pension, reducing it to 4475.25 livres, based on an erroneous interpretation of the recently issued decision of the Holy Congregation: this interpretation is contrary to the letter of the predecessor Bishop of Troia, dated April 26, 1897, to which the aforementioned decision refers. Then, the Bishop of Fodiana presents a statement of assets and liabilities, and with this, he argues that it will be completely impossible for him to exercise his pastoral ministry in the future if the pension is further reduced according to the opinion of the modern Bishop.

[*Latin ed. p. 394*]

594 FROM S. C. DE EPISCOPIS ET REGULIS: From the regulations of Troia: For in the city of Fodiana, where more than 52,000 inhabitants reside, a great number of the poor are found, and the expenses to be borne are immense. Furthermore, it refers to the allegations presented in the preceding proceedings. THE RIGHTS OF THE BISHOP OF TROIA. According to the decision of the Holy Congregation, which the Bishop of Fodiana accepted, the so-called "tax of God" should amount to 30 per 100, in proportion, of both incomes, which is most consonant with justice, since this tax represents a true diminution of the patrimony. However, the Bishop of Troia states that, in its application to the income of Troia, the increase was not of 30 percent, but a much greater amount. Consequently, the reduction of the pension should be greater, and, according to the same Bishop, the pension to be paid, after all deductions, should be limited to 4475 florins. He proves

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this with the following. According to the provisions of Italian law of July 7, 1866, article 11, and of August 15, 1867, article 18, the conversion of real estate assets of ecclesiastical entities subject to the laws into public revenue in favor of the same entities was to be carried out according to the declared value and subject to the inheritance tax. But, according to the law of April 21, 1862, and others, this revenue was to be reduced beforehand by the revenue due for the land tax. Therefore, the conversion took place with a double reduction; and more than half of the patrimony of the income of Troia was absorbed: but since, in addition to the real estate, it also had other assets not subject to the aforementioned tax, the diminution of the patrimony was slightly less than half. The Bishop of Troia corroborates this with an official civil document, in which it is stated that the income of Troia, which in the year 1862 was declared for the purpose of the inheritance tax in the amount of 68,194 florins, after the conversion in the year 1870, amounted to 36,315 florins. Moreover, the Bishop of Troia continues, in the case being considered before the Holy Congregation, only the so-called "tax of God" of 30 percent was mentioned, and no account was taken of the other increase or reduction that the income of Troia actually suffered. This error, since it is harmful to the income of Troia, must be corrected according to the principle admitted by the same Holy Congregation.

[*Latin ed. p. 395*]

FODIANA, or TROIA, 395: Regarding the decision of the Congregation of April 5, 1895, concerning the reduction of the pension to the amount of 4475 livres. The other point at issue concerns the manner in which the separation of the principal sum is to be carried out. Indeed, in the third doubt raised in the case, again discussed on March 24, 1899, the Holy Congregation responded that the separation of the principal sum must be carried out according to the norms of the letter of the Bishop of Troia of April 25, 1897. According to this letter, the separation would take place partly through the cession of canonries, and for the remainder, through the assignment of public revenues in the amount of 4225.37 livres, in favor of the Fodian institution. The predecessor of the current Bishop of Troia had promised the Bishop of Fodiana to refund the tax commonly called "tax on movable property" which burdened said revenues. However, the current Bishop of Troia argues that this promise does not bind the person of his predecessor, and that this burden cannot in any way be imposed on the institution of Troia, for several reasons, the principal of which are these: 1. This would be contrary to the decision of the Holy Congregation of April 5, 1895, in which it was decreed that the aforementioned tax should burden the institution of Troia, saving, however, to it the right to free itself from said tax through the cession of revenues subject to the tax: therefore, after the cession has been carried out, the execution of the decision of the Holy See is mandated. 2. Nor does it conform to the latest decision of March 24, 1899: because,

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according to the decision, the cession or dismemberment of the principal sum must indeed take place partly through the transfer of canonries and partly through the assignment of Italian public revenues in favor of the Fodian institution: but it is not stipulated that the tax commonly called "tax on movable property" must be borne by the Bishop of Troia; this, according to civil laws, affects the revenue in the hands of the one who receives it, which in this case would be the Bishop of Fodiana. 3. Because, since nowhere in the "Bulla Piana Ex hoc Summi Pontificis..." is it stipulated that the pension must be paid free from all taxes, on the other hand, a new burden cannot be imposed on the Bishop of Troia to refund the disputed tax to the Bishop of Fodiana, because current civil laws would reject this, and in the case of a vacancy of the See of Troia, this tax would never be borne.

[*Latin ed. p. 396*]

396 FROM THE DECREES OF BISHOPS AND RELIGIOUS ORDERS, concerning regional administration. In presenting these arguments in his defense, the modern Bishop of Troia observed that the separation of the principal capital corresponding to the revenues, and the pension, cannot presently be completed, given the ongoing dispute with the Government regarding the allocation of the revenues of the *fundi* of Fondi, amounting to one thousand ducats, in favor of the table of *Bullae*, as stipulated in the Papal Bull, in which the King of both Sicilies had solemnly promised to implement this as soon as possible; in this case, the pension would be reduced from 2400 ducats to 1400. With these and other considerations presented by the parties involved, the following question was proposed: Whether and how the decisions issued by the Most Holy Congregation of Bishops and Regular Canons, on April 4, 1895, and March 24, 1899, in this case, should be confirmed or annulled.

RESOLUTION. The Most Holy Congregation of Bishops and Regular Canons, having reviewed the previous documents and carefully considered all matters, responded on August 9, 1901: The first and second parts of the response of March 24, 1899, are to be confirmed, and furthermore. Regarding the third point, a delay is granted, and in accordance with the following:

The Most Reverend Father, the Archbishop of Santiago de Compostela, presents the following to Your Holiness: In the Archdiocese, there exist monastic convents of women, in which the Abbess or Prioress is elected for a term of three years, even though in the Constitutions of the Order of Discalced Carmelites of St. Augustine, of which there are three monasteries, it is prescribed that the Prioress cannot be elected for more than ten years. In the Constitutions of the aforementioned convents, it is read in some cases: "The Superior cannot be elected for a long term"; in others, "the new election of the Superior is prohibited"; and in still others, "nothing is said about a new election of the Superior."

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— With the Constitution *Exposcit debitum*, Pope Gregory XIII ordered, on January 1, 1583, that the office...

[*Latin ed. p. 397*]

From the Most Holy Congregation of Bishops and Regular Canons:

The matter of the term of office of a prioress lasting three years, and that upon the completion of that term, she shall have no authority within the monastery, has been discussed, and in this regard, the Most Holy Congregation has responded on several occasions. An Orator now presents certain doubts.

I. Is it inquired whether the aforementioned Constitutions and resolutions were issued for the entire Church and are to be observed?

II. If not negatively, can the Superiors of those monasteries whose Constitutions are either silent on this matter, or permit a new election of the Superiors, be elected again?

III. In either case mentioned in II, and in monasteries in which the express permission for a new election of the Superior is given, is it inquired: for the confirmation of this election, is the authority of the Ordinary sufficient, or must recourse be had to the Holy See?

And the Sacred Congregation of Bishops and Regular Canons, entrusted with the affairs and consultations of Bishops and Regular Canons of the Most Holy Roman Church, having considered the aforementioned doubts, has decided to respond as follows:

To I: Affirmative.

To II: As provided in the first point.

To III: To the extent that the Constitutions are silent, or expressly state that after three years, another Abbess or Superior must be elected, the re-election of the same person to the office of Abbess or Superior requires the confirmation of the Holy See; but to the extent that the Constitutions approved by the Holy See, following the Constitution of Gregory XIII, permit such a re-election, the tenor of those same Constitutions must be observed.

Rome, 4th of May, 1901.

F. R. H. M. CARD. GOTTI, Prefect.

A. PANICI, Secretary.

[*Latin ed. p. 398*]

398. DECLARATIONS AUTHENTIC FROM THE SACRED CONGREGATION FOR ECCLESIASTICAL AFFAIRS OUTSIDE THE ROMAN CURIA. Concerning certain doubts raised by several Bishops of Latin America, regarding the interpretation of some decrees of the Plenary Council of the same region (1). FROM AN AUDIENCE WITH THE HOLY FATHER, on November 5, 1901.

I. By decree of the Sacred Congregation for Extraordinary Ecclesiastical

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Affairs, dated January 1, 1900, a declaration of the Holy See, issued for Spain on January 31, 1880, under the following formula, was extended to Latin America: "Betrothals contracted in our regions without public record are invalid, and cannot supply the information required for marriage..." Concerning the first part of this declaration, there is not a unanimous opinion among the Doctors; many assert that the invalidity of such betrothals applies to both the external and internal forum; some, however, maintain that the invalidity cannot be sustained in the internal forum, provided that it is certain that there was a deliberate consent of both parties. Are the aforementioned betrothals, without public record, invalid even in the internal forum? R. "Affirmative, they are invalid even in the internal forum."

II. Under number 231 of the decrees of the Council, the following is stated: "Those concerning the matter in question shall withdraw, and shall not return unless they are recalled; and secret votes shall be taken, which, unless they agree on more than half of those present on the matter in question, shall be considered as having accomplished nothing in the Council." A doubt has arisen concerning the manner of taking the votes; it is asked whether the votes must be secret in all matters brought before the Council, or only in certain matters, and if so, in what cases? R. "The votes must be secret at least in all matters of greater importance, according to the Constitution 'Pro Commissa' of Alexander VII, dated April 3, 1657; also, whenever it concerns matters..."

(1) See Collectio Decretorum, Vol. XXIX, 659; XXX, 698; XXX, 128; XXXI, 756, 758; XXXII, 553, 698.

[*Latin ed. p. 399*]

From the Secret Consistory of Extraordinary Congregations, 599, concerning a Canon: indeed, even if the matter in question is judged to be of lesser importance, whenever discord or controversy arises among the chapter members. III. The Sub-Decree, 370, prescribes: "The Blessed Sacrament must be reserved in all parochial churches, and in those which are quasi-parochial, even in rural areas, and in the churches of Regular clergy, both men and women; but in other churches, chapels, and oratories, it is not permitted, without a special indult from the Apostolic See." Indeed, due to the injustice of certain civil laws in some regions of Latin America, religious women have used their own monasteries and annexed churches; while the men of the Regular clergy, having lost the use of their monasteries, administer their churches, or do not administer them, according to the circumstances of the persons and places. What, therefore, is to be held in these circumstances concerning the right to reserve the Blessed Sacrament? R. "Regarding the Regular clergy, both men and women who have taken solemn vows, provision is made by the declarations of the Sacred Penitentiary, April 18, 1867, September 12, 1872, and the Sacred Congregation of the Council, January 8, 1867. Regarding the churches themselves, which are

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governed by the rules of the religious orders or congregations, provision will be made in the response to question 5." IV. Decree, 505, speaking of godparents, states: "Those who are living only in civil marriage, as they say, and who are publicly excommunicated or interdicted, are not admitted to the office of godfather in this sacrament (Baptism), unless..." Since this decree makes no mention of publicly notorious criminals and infamous persons, it is doubtful whether it should be understood without prejudice to any other common prohibition, or rather, whether it should be taken as a tempering circumstance, so that in Latin America there are no such prohibitions except those contained in the aforementioned decree? R. "The plenary council in article 505 considers cases of greater importance or more difficult solution; therefore, affirmatively regarding the first part, and negatively regarding the second part." V. Whether a custom can be legitimately maintained in several dioceses of Latin America, without a special privilege or Apostolic indult, of reserving the Blessed Sacrament in churches which a) are not parochial or quasi-parochial; b) are not actually administered by Regular clergy, although they legally belong to the Regulars; c) are not actually frequented by religious who have taken solemn vows, because the religious are...

[*Latin ed. p. 400*]

400. Whether monasteries or other ecclesiastical institutions, which are not of regular order, are subject to civil suppression and are deprived of their property. And whether, in churches and chapels where only men or women who have taken simple vows reside, the Sacrament is reserved, without any special indult. But is this generally granted to all churches or chapels of the same institute, or to individual pious houses? Answer: "No, in all cases, and recourse must be had to the Holy See in each case; saving the special Apostolic indults granted to the Ordinary or otherwise."

VI. Whether the collation of the Deanery and other benefices of cathedral or collegiate churches, which are subject to the Apostolic reservation, by the Ordinary, without a special indult from the Holy See, can be considered valid, in dioceses where, by Conventions with civil governments or otherwise, by a special concession from the Roman Pontiff, common law has not been derogated from? Answer: "No, unless there is a special, authentic, and undoubted indult from the Holy See; which, for this reason, must not be presumed, but must be certainly proven, and in the very instrument of the collation, the words must be clearly expressed to recall it to memory."

VII. Whether, with the firm prescriptions of articles 758 and 799 of the Plenary Council of Latin America remaining in force, the Ordinary can tolerate or prudently approve of recreations, gatherings, fairs, and other means of Christian beneficence for collecting alms for the poor and other pious works, which are promoted, especially among the laity? Answer: "The Ordinary can only tolerate those Christian beneficence gatherings, and,

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prudently, if it seems opportune, promote those which have the conditions of honesty and charity, or piety, such that the presence of priests in those gatherings cannot be said to be prohibited by the sanctions of the Church, or by the circumstances of the region, as imprudent or inopportune. Therefore, only the Ordinary can judge, having before their eyes the decrees of the Third Plenary Council of Baltimore, Title X, Chapter V."

Given in Rome, from the Secretariat of the same Holy Congregation, on the aforementioned day, month, and year.

PETRUS, Archbishop, Secretary of the Holy Congregation for Extraordinary Ecclesiastical Affairs.

[*Latin ed. p. 401*]

FROM S. G. NEG. ECCL. EXTRAORD. 401: PREFACE of the Holy Congregation for Extraordinary Ecclesiastical Affairs concerning the Christian or Christian-Democratic popular action in Italia. No one is unaware of how, especially in these recent times, divergences of opinion have manifested themselves concerning the manner of carrying out and promoting the Christian-Democratic action in Italia; which has contributed not a little to disturbing that union and that harmony, which are so desired and inculcated by the Holy Father. Therefore, His Holiness, wishing to remove any cause of misunderstanding and dissension among Italian Catholics, and desiring always to respond to the various questions which, on this subject, were submitted to the Holy See by various parties, has ordered the present instruction to be sent to the Most Reverend Bishops of Italia.

I. The words of the Encyclical *Graves de communi* of January 18, 1901: "It must not be permitted to give a political meaning to Christian Democracy; – Having abandoned all political meaning; – They are and remain (the precepts of nature and the Gospel) outside of parties and the vicissitudes of events; – The intention and action of Catholics... must not in any way propose to prefer and prepare one form of government instead of another; but must be understood in the following manner: a) Christian-Democratic institutions, whatever their nature may be, must be considered only as manifestations of Christian popular action, founded on the law of nature and the precepts of the Gospel. They are therefore not to be considered as means directed to political ends, nor are they intended to change any form of government. b) Christian-Democratic action, being based on justice and evangelical charity, has such a vast field that, understood and practiced according to the letter and the spirit of the teachings of the Holy See, it responds to the most generous activities of Catholics and embraces, with due proportion, the very action of the Church in the popular sphere."

In the Letter *Permoti Nos* to the Cardinal Archbishop of Malines, dated July 10, 1895, the Holy Father indicates (what is) not to be the object of Christian popular action, writing: "This object, to him who rightly consid-

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ers it, does not present itself under a single aspect. It refers, indeed, to external goods; but above all, it refers to religion and to morals, and is naturally connected with the norms..."

[*Latin ed. p. 402*]

402 FROM THE SUPREME PONTIFF AND THE HOLY ECLESIASTICAL CONGREGATION EXTRAORDINARY, concerning legislation civil, so that, in the end, they generally regard the rights and duties of all orders. Since the evangelical principles of justice and charity, which We have recalled, when applied to the practice of life, it is necessary that they touch upon the multiple relationships of private individuals. e) It follows that, in programs, in conferences, and in democratic-Christian newspapers, all those matters can be discussed which pertain to the triumph of justice and to the practice of charity in favor of the people, and which form the true object of Christian democracy. d) Democratic-Christian newspapers can also give news and judgments concerning political facts and opinions, but without pretending to speak in the name of the Church, nor to impose their own opinions in matters of free discussion, as if those who think differently were not sincere Catholics. e) It is not enough that Christian democrats do not speak in the name of the Church when dealing with purely political matters: but it is also necessary that, in Italy, they abstain from any political action, according to the mind and the letter of these two pontifical warnings: "As the participation of Catholics in administrative elections is commendable and, more than ever, should be promoted, so it is to be avoided in political matters, since it is not a means for reasons of the highest order; not least of which is the very condition of things in which the Pope finds himself, which cannot fully respond to the full liberty and independence of his Apostolic ministry" (Letter to the Most Reverend Cardinal Parocchi, May 14, 1895). — "Therefore, it is necessary that the action of Italian Catholics, in the present circumstances, remaining outside of politics, should be concentrated in the social and religious field, and should aim to moralize the populations, to make them obedient to the Church and to its Head, to keep them away from the dangers of socialism and anarchy, to instill in them respect for the principle of authority, and finally, to alleviate their poverty through the many works of Christian charity" (Letter to the Bishops, Clergy, and people of Italy, August 5, 1898). f) It is the duty of all Catholic journalists, and therefore also of democratic-Christian journalists and of any private individual who wishes to engage in Catholic action, to always keep alive in the people the sentiment and conviction of the intolerable condition in which the Holy See finds itself after the invasion of its civil principality.

[*Latin ed. p. 403*]

I. From the Most Holy Congregation for the Extraordinary Affairs of the

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Church, 403: It must not be neglected to seize every opportune occasion to make known and to remind [others] of the solemn protests which the Holy Father ceaselessly issues, and the most important reasons which inspire them. True Catholics must always keep in mind the numerous and grave documents issued by the Supreme Pontiffs Pius IX and Leo XIII, to vindicate the most sacred rights and the independence of the Apostolic See, and to remember with the Vicar of Christ, that "it is in vain that one attempts to divert the ardor of this struggle, by bringing into play human interests and political ends; as if we were not dealing with matters eminently religious, even when we claim Our pontifical sovereignty, for the protection of the independence of the Head of the Church and of His freedom" (Discourse to the Sacred College, June 23, 1890). Furthermore, it is necessary not to lose sight of the decrees and declarations of the Sacred Congregations, and especially the norms given on various occasions by the Holy Office concerning cases pertaining to the invasion of the States of the Church.

II. Regarding the foundation and direction of periodicals, including those of a popular Christian nature, the clergy must faithfully observe all that is prescribed in Part 4, 2 of the Apostolic Constitution *Officiorum*, of January 25, 1897 (1). Moreover, Catholic journalists, like all other Catholics, must put into practice the following admonitions of the Holy Father: "Let them willingly and with a docile spirit submit to the discipline of those to whom the Holy Spirit has appointed as Bishops to govern the Church of God, and let them show reverence for their authority, and let them never do anything without the approval of these same [Bishops], who, when fighting for religion, must be followed as leaders" (Encyclical *Nobilissima Gallorum gens*, February 8, 1884). — "The task which belongs to them [the journalists], in all that concerns religious interests and the action of the Church in society, is to fully submit, in intellect and will, like all other faithful, to their Bishops and to the Roman Pontiff; to execute and make known their commands; to fully support and encourage their endeavors; to respect and make others respect their dispositions" (Letter, *Epistola tua*, to the Archbishop of Piacenza). "Secular clergy are not permitted to publish, without the consultation of their Ordinaries, books which treat of arts and sciences purely natural, so that they may give an example of obedience to them." "They are also prohibited from undertaking the direction of newspapers or periodicals without the prior permission of their Ordinaries."

[*Latin ed. p. 404*]

404 S. C. NEG. ECCL. EXTRAORD. PRAEPOSITA, June 17, 1885). — From the duties imposed upon Catholics, "it must not be believed that only those who openly repudiate the authority of the rulers are alienated; but also those who oppose it with cunning tergiversation and oblique, dissimulated advice. True obedience and sincerity are not satisfied with words,

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but consist principally in the mind and will..." Furthermore, "the journalists themselves must keep firmly in mind that, if they were ever to forget this truth and pursue their particular opinions, either by anticipating the judgments of the Apostolic See, or by undermining the authority of the Bishops, arrogating to themselves an authority they cannot possess, they would utterly lose all hope of being considered true Catholics, and of being able in any way to benefit the most holy and most noble cause which they have undertaken to defend and promote" (Letter *Est sane molestum*, to the Archbishop of Tours, December 17, 1888). Therefore, Catholic journalists must take care never to deserve the most serious reproach "that among themselves they attack each other with daily and public insults; that they interpret every clear document in such a way as to condemn their own conduct by the ecclesiastical authority; that, when seriously admonished, they do not cease to cunningly procrastinate and tergiversate; finally, that, being suspicious and distrustful of their own pastors, although outwardly obedient in words, in reality they despise their authority and guidance" (Letter *Cum huic*, to the Bishop of Urgel, March 20, 1890). III. When writings of a democratic-Christian nature treat especially of matters of religion, Christian morality, and natural ethics, they are subject to prior ecclesiastical censorship by the Ordinary, according to Article 41 of the Apostolic Constitution *Officiorum* (1). Furthermore, even when publishing writings of a purely technical nature, clerics, apart from the aforementioned Article 42 of the same Constitution, must also obtain the consent of the Ordinary. IV. In the founding of circles, societies, etc., the utmost care must be taken: 1.° that particular regulations, programs, manuals, and other documents have a language and spirit that are clearly (1) "All the faithful are bound to subject to prior ecclesiastical censorship those books which concern the Divine Scriptures, Sacred Theology, Ecclesiastical History, Canon Law, Natural Theology, Ethics, and other similar religious or moral disciplines, and in general, all writings in which religion and the honesty of morals are especially concerned."

[*Latin ed. p. 405*]

I. From the Sacred Congregation of Extraordinary Ecclesiastical Affairs, 405: 1. That these [organizations] be Christian in nature; 2. That their banners and other insignia have nothing in common with the symbols of the socialist origin; 3. That their statutes and regulations be previously examined and approved by the Ordinary; without which approval, none of the aforementioned institutions can present themselves as Catholic institutions, worthy of the trust of the clergy and the Catholic laity; 4. That all acts and discourses be filled with the spirit of Jesus Christ, and, promoting first the Kingdom of God, they diligently care for the temporal well-being of the worker and the poor, and for the increase of Christian civilization. In those matters which require prior authorization or license

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from the Ecclesiastical Authority, this Authority must be notified in due time, so that it may consider the measures and precautions to be taken. In short, it is the will of the Holy See, and the very notion of the ecclesiastical Hierarchy requires that the Catholic laity not precede, but follow their Pastors; who, for their part, will not fail to promote with all diligence the Christian popular action, so necessary in our times and so often recommended by the Holy Father.

II. The subscriptions and collections for social and democratic-Christian works are subject to the authority and vigilance of the Ordinaries. And just as, in certain circumstances and particular cases, they might be the cause of agitation or dissipation in Seminaries and other institutions of learning subject to the Ordinary, and even in the houses and colleges of Religious; so the directors shall not permit any collection or subscription among their subordinates, without the prior and express consent of the Bishop or the respective religious Superior.

III. No newspaper, even if Catholic and of Christian popular action, can be introduced into Seminaries, Colleges, and schools dependent on the ecclesiastical authority, without the express license of the immediate superiors; who must absolutely obtain prior authorization from their own Bishop for individual newspapers or magazines. And in general, it is not advisable that the time dedicated to ecclesiastical formation and study be spent reading newspapers, especially those which require from their readers special guarantees of experience and a true spirit of Christian piety. These rules should be brought to the attention of and observed by the Superiors of Orders and Congregations, in their respective families.

[*Latin ed. p. 406*]

406 FROM THE SACRED CONGREGATION FOR THE CATHOLIC CHURCH, EXTRAORDINARY AFFAIRS, DECREE VII. Conferences on Christian Democracy, which often require the form and substance of Catholic apologetics against socialist errors, therefore demand particular study and prudence; no priest or cleric shall hold such conferences without the permission of the Ordinary of the place. The norms of the Instruction of the Sacred Congregation of the Most Holy Fathers, dated July 31, 1894, concerning the sacred preaching, also apply to these conferences: "If these are priests of their diocese, let them be warned not to entrust to them so august a ministry without having first proven their suitability through examination or in another appropriate manner: *nisi prius de vita et scientia et moribus probati fuerint* (Council of Trent, Session V, Canon 2, *De Reform.*). If these are priests of another diocese, let no one be admitted to preach in their diocese, especially on more solemn occasions, unless they present letters from their own Bishop or their Superiors Regular, which give a good testimony of their character and suitability for such an office. Furthermore, the Superiors of Religious of any Order,

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Society, or Congregation, shall not permit any of their subjects to preach, and much less shall they present them to the Ordinaries with testimonial letters, unless they have first assured themselves of their knowledge and of their moral conduct, and of their manner of proclaiming the divine word. Moreover, if the Ordinaries, having accepted some preacher based on good recommendations, see him in the practical exercise of the ministry to deviate from the path and the warnings given in this Letter, let them promptly call him back to duty with appropriate correction; but if this is not sufficient, let them remove him directly from such office, and even use the canonical penalties, if the nature of the case requires it." The reason for these precautions is clarified in the same document by the following words: "As for those conferences which aim to defend the religion from the attacks of its enemies, they are indeed necessary at times, but this is a burden not suited to all, and indeed to the strongest. And even the most eloquent orators must use great caution in this regard; for such apologetics should only be given in those places, at those times, and before those audiences which truly need them, and from which a true benefit can be hoped; of which, it is manifest that the most competent judges are not other than the Ordinaries: they must be given in such a way that the demonstration has its foundation deeply rooted in the sacred doctrine, far more than in arguments."

[*Latin ed. p. 407*]

From the Most Holy Congregation of the Extraordinary Holy See, 407: Regarding natural human matters: It is necessary to treat them with solid foundations and clarity, in order to avoid the danger that in certain minds, errors may leave a deeper impression than the opposing truths, and that objections may gain more ground than the responses.

In order that all of this may be better observed, no priest or cleric should participate in any gathering that withdraws him from the pastoral vigilance and action of the Ordinary.

VIII. Since the doctrines of socialism, in their entirety, contain true heresies, those who contradict socialists are subject to the decrees of the Holy See regarding public disputes with heretics. The decree of the Sacred Congregation of Propaganda Fide of February 7, 1645, summarizes the previously existing legislation on this matter in the following form:

"1. Public dialogues and disputes between Catholics and heretics are sometimes permissible, namely, when there is hope that they will lead to a greater good, and when other circumstances, as determined by theologians, are present, as is evident from the disputes held by Saint Augustine against the Donatists and other heretics.

2. The Holy Apostolic See and the Roman Pontiffs, considering that such disputes, dialogues, and contradictions often yield no fruit, or even have a negative outcome, have often prohibited them and given orders to ecclesi-

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astical superiors to seek to prevent them. And if they are unable to prevent them, they should at least ensure that they do not occur without the authority of the Apostolic See, and that they are conducted by individuals capable of triumphing with Christian truth. And often, the Sacred Congregation of Propaganda Fide has expressly given these same instructions to its missionaries, warning them not to enter into public disputes with heretics."

And one of the reasons why the Holy See has prohibited such public disputes is mentioned in another decree of March 8, 1625, with words that are also painfully relevant today: "because often, false eloquence, or audacity, or the nature of the audience, cause error to triumph over truth!"

X. Since, in some writings and speeches, an inaccurate and immoderate language, not in conformity with Christian charity, has been observed, let Catholics who wish to earn the blessing of God and the trust of ecclesiastical authorities, keep the following principles in mind:

a) The democratic-Christian action is not something new; it is as old as the precepts and teachings themselves.

[*Latin ed. p. 408*]

408. Moreover, the Sacred Council of the Vatican, speaking of ecclesiastical institutions outside the ordinary hierarchy, states: "Jesus Christ ennobled poverty and imposed grave duties upon the wealthy in favor of the poor and the workers. It was necessary to bring these two classes closer together, to establish bonds between them, a religious and indissoluble bond. This was the task of charity; it created this social bond and gave it a force and a sweetness previously unknown; it invented, multiplying itself, a remedy for all ills, a consolation for every sorrow, and it knew, through its innumerable works and institutions, to arouse among the unfortunate a noble spirit of zeal, of generosity, and of self-sacrifice" (Discourse of the Holy Father to the French workers, October 30, 1889).

"At all times and constantly, We like to repeat this, the Church has always been concerned with the lot of the poor and the workers. When her word was heard and obeyed by the people, and her freedom of action was less hindered, the Church was able to provide more considerable resources to help the poor and the workers, not only by generously dispensing her charity, but also by fostering and promoting those great institutions which were the Corporations, which have contributed greatly to the progress of the arts and trades, and have provided the workers themselves with an improvement in their economic conditions and a greater well-being. Of the rest, that which the Church has taught and practiced in other times, She proclaims and seeks to put into effect even today" (Discourse of the Holy Father to the French workers, October 13, 1887).

And the Holy Church can rightly glory in having always been the mother of all those studies of sociology, which some now wish to present as some-

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thing new. "It is a great merit of the Church to have perfected the science of law; it will never be forgotten how much she has contributed, with her doctrines, her examples, and her institutions, to the solution of those complex problems on which the writers of the so-called economic and social sciences labor" (Motu Proprio Ut mysticam sponsam Christi, March 14, 1891).

b) It must be considered entirely contrary to the true spirit of charity, and indeed of Christian democracy, a language that could inspire in the people aversion towards the higher classes of society. Jesus Christ willed to unite all men with the bond of charity, which is the perfection of justice, so that, animated by reciprocal love, they might strive to benefit each other reciprocally. On this duty of mutual aid, which burdens all classes.

[*Latin ed. p. 409*]

From the Secret Consistory of the Extraordinary Congregation, 409, concerning social matters, let us listen to the teachings of the Supreme Pontiff in the aforementioned Encyclical *Graves de communi*: "It is necessary to remove from the concept of Christian democracy another inconvenience, namely, that while it makes every effort to seek the advantage of the lower classes, it should not seem to neglect the higher classes, which are also not without value for the preservation and perfection of society... The natural union of the people with the other classes, made even closer by the spirit of Christian brotherhood, means that everything that is done for the benefit of the people also redounds to the advantage of those classes; all the more so, because in order to achieve this goal, their cooperation is convenient and necessary... It will be necessary, above all, to secure the benevolent cooperation of those who, by birth, by wealth, by intellect, and by education, enjoy greater authority among the citizens. And this cooperation, however little it may be, will be able to achieve much that leads to the attainment of the desires beneficial to the people. The path will be all the more secure and short, the more numerous and intense the cooperation of the most respected citizens."

c) It would be extremely unjust to present Catholic Associations and Works, which have been founded up to now, as being of little merit in the context of Christian popular action; whereas, on the contrary, to the Bishops, the Clergy, and the aforementioned institutions, the Holy Father, in condemning the persecutions they suffered, bestowed these praises: "Through your generous efforts, Venerable Brothers, and those of the Clergy and the faithful entrusted to you, happy and salutary effects were obtained, and even greater ones can easily be foreseen in the near future. Hundreds of associations and committees arose in various parts of Italy, and from them originated rural cooperatives, economic kitchens, economic dormitories, festive recreation centers, catechetical works, assistance to the sick, protection for widows and orphans, and many other beneficial

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institutions" (Encyclical *Spesse volte*, August 5, 1898).

d) It would not be permissible in Catholic publications to use language that, inspired by unhealthy novelties, seemed to ridicule the piety of the faithful, or that alluded to new orientations of Christian life, new directions of the Church, new aspirations of the modern soul, a new social vocation of the clergy, a new Christian civilization, etc. To avoid any such dangerous tendencies, let all Catholics remember and apply to their own condition these grave admonitions given by the Holy Father to the Clergy.

[*Latin ed. p. 410*]

410 FROM S.G. NEG. ECCL. EXTRAORD. PRAEPOSITA (French): "Certain novelties present advantages, capable of promoting the Kingdom of God in souls and in society; but the Gospel says that it belongs to the father of a family, and not to his children, nor to servants, to examine them, and, if he deems it proper, to admit them alongside the ancient customs, which form the other part of his treasure" (Encyclical, *Depuis le jour*, September 8, 1899). — It is known that the Church "has always been accustomed to moderate discipline in this way, so that, except for divine right, it has not neglected the customs and the needs of so many different peoples which it embraces. And if the salvation of souls requires it, who would doubt that it should do the same even now? It is true that deciding on this matter does not belong to the arbitrary will of private individuals, who, for the most part, are deceived by a semblance of rectitude, but belongs to the Church to judge it; and it is necessary that everyone conform to the judgment of the Church, lest they incur the censure of Pope Pius VI, Our Predecessor, who declared that proposition 38 of the Synod of Pistoia is injurious to the Church and to the Spirit of God which governs it, inasmuch as it subjects to the same discipline established and approved by the Church, as if the Church could establish a discipline that is useless and more burdensome than that which is compatible with Christian liberty... — It is a grave danger and detriment to the discipline and doctrine of the Church to hold the opinion of those who, being partisans of every kind of novelty, believe that even in the Church a certain freedom should be introduced, as if, restricted in some way by the force of authority and vigilance, it were permissible for the faithful to second each other a little more in their own nature and inclination" (Letter *Testem benevolentiae*, to the Cardinal Archbishop of Baltimore, January 22, 1899). e) More than simple lay people, priests, especially young ones, must have horror of this spirit of novelty; and although it is highly desirable that they go to the people, in accordance with the will of the Holy Father, they must nevertheless proceed in this with the necessary subordination to their ecclesiastical superiors; putting into effect the following grave warnings given by the August Pontiff even to those who have already deserved just praise for having given proof of great zeal and a spirit of sacrifice in the Christian popular apostolate: "We know well, and

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the whole world knows, the qualities that distinguish you. There is no good work,..."

[*Latin ed. p. 411*]

From the Sacred Congregation of Extraordinary Affairs, number 411, concerning which you are not apostles. Obedient to the instructions which We have given you in Our Encyclical *Rerum Novarum*, you go to the people, among the workers, among the poor; you seek with all possible means to come to their aid, to make them more virtuous, and to alleviate their condition. For this purpose, you organize meetings and congresses, you found patronage societies, circles, and charitable institutions, and employment offices for workers; you strive to introduce reforms in the economic and social order, and for this very difficult undertaking, you do not hesitate to make considerable sacrifices of time and money. And it is for this purpose also that you write books and publish articles in newspapers and journals. All of these things are, in themselves, most commendable, and they provide undeniable proof of your good will and your generous and intelligent concern for the most urgent needs of civil society and of souls. Nevertheless, most beloved Sons, We believe it necessary to paternally call your attention to certain fundamental principles, to which you must conform if you wish that your actions be truly fruitful. Remember first of all that zeal, in order to produce good effects and to be worthy of praise, must be accompanied by discretion, rectitude, and purity, as the most learned and wise Thomas à Kempis says.

But discretion in undertakings and in the choice of means that lead to success is all the more indispensable today, since the times are troubled and full of numerous difficulties. A certain action, a certain measure, a certain practice of zeal may indeed be excellent in themselves; but, given the circumstances, they may instead produce deplorable results. Now, these inconveniences and this harm will be avoided if, before undertaking an enterprise, and in the enterprise itself, you take care to conform to the established order and to the rules of discipline. And ecclesiastical discipline is the union among the various members of the hierarchy, the respect and obedience of the lower orders towards the higher.

Therefore, beloved Sons, if you desire, as We are certainly convinced is the case, that in this formidable struggle undertaken by the anti-Christian sect and by the kingdom of darkness against the Church, victory may be for God and for His Church, it is absolutely necessary that you fight unitedly, in great order and with precise discipline, under the orders of your hierarchical superiors.

[*Latin ed. p. 412*]

412 FROM ST. G. NEG. ECCL. EXTRAORD. PREPOSITA: "Beware of those pernicious men, who, though claiming to be Christians and Catholics,

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sow discord in the Lord's field and create divisions in the Church, often even slandering the very Bishops, whom the Holy Spirit has appointed to govern the Church of God. Do not read their pamphlets, nor their newspapers. A good priest must in no way endorse their ideas, nor their licentious language. Could he ever forget that, on the day of his ordination, he solemnly promised his Bishop, before the sacred altar, obedience and reverence? Above all, remember, dear sons, that the indispensable condition for a true priesthood, and the best guarantee of success for the works to which you dedicate yourselves, is the purity and sanctity of life" (Letter to the French Clergy, September 8, 1899).

f) Likewise, when dealing with Christian popular movements, priests must always strive to conduct themselves with dignity and without compromising that ecclesiastical spirit from which they draw all their prestige and strength. The teachings and decrees of the Council of Trent on the life and honesty of clerics are, today, even more necessary than in the past. "These recommendations of the Holy Council," (the Holy Father wrote in the aforementioned letter to the French Clergy), "which We would like to engrave in all your hearts, would certainly be lacking in those priests who adopt in their preaching a language that is not in harmony with the dignity of their state and the sanctity of the word of God; who attend popular gatherings where their presence serves only to inflame the passions of the wicked and enemies of the Church, and expose themselves to the most gross insults, without any benefit whatsoever, and with great astonishment, if not scandal, to the faithful; who adopt the habits, manners of living, and spirit of the secular world. Without a doubt, salt must be mixed with the mass that it must preserve from corruption; but, at the same time, it itself must be protected from this corruption, lest it lose all its flavor and become fit for nothing but to be thrown on the road and trampled upon. In the same way, the priest, the salt of the earth, in the contact he is obliged to have with the society that surrounds him, must preserve modesty, gravity, and sanctity in his demeanor, his actions, and his words, and must not allow himself..."

[*Latin ed. p. 413*]

FROM THE HOLY CONGREGATION FOR ECCLESIASTICAL AFFAIRS, EXTRAORDINARY SECTION, 415, "to draw away from frivolity, dissipation, and the vanity of worldly people." In sending this Instruction to the Ordinaries of Italy, His Holiness trusts that, by cooperating with the Christian people, both the more mature through their experience and the young through their holy enthusiasm, the salutary effects of peace and concord will be achieved, which His Holiness so earnestly desires, in conformity with what He also taught in the Brief addressed to the Congress of Taranto in August of 1901, and in the discourse delivered on December 23rd of the same year to the Sacred College. "We expect," said

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the Holy Father in this regard, "the united and harmonious cooperation of all good will. Let the young come, and let them offer their energetic and fervent zeal, proper to their age; let the more mature come, and let them, in addition to their proven faith, bring the prudence and wisdom that are the fruits of experience. One and the same is the goal: equal must be the zeal and equally sincere in both, the young and the mature. Not distrust, but mutual trust; not censures, but Christian forbearance; not disagreements, but reciprocal charity." Rome, January 27, 1902. M. CARD. RAMPOLLA.

FROM THE THIRD CONGREGATION OF THE HOLY ROMAN INQUISITION, CIRCULAR LETTERS TO THE ORDINARIES OF ITALY REGARDING THE PROPOSED LAW ON DIVORCE.

To the Most Reverend and Reverend Lord:

1. It is already known to Your Eminence that, in the Consistory of the 16th of the current month, the Holy Father delivered an Address concerning the need to preserve Italy from the sad consequences of divorce, should it become law. Since this matter is intimately connected with Catholic dogma and ecclesiastical discipline, the undersigned Cardinals, Inquisitors General, My Colleagues, have deemed it...

[*Latin ed. p. 414*]

414. EX S. C. S. R. U. INQUISITIONIS: Hoc documentum pontificium, de gravissima re, ad considerationem sacri Pastoris est directum, et ita dicendum est, ut zelo, ut nulla diocesis in Italia sit, ubi doctrina et paternalia monita Capitis Ecclesiae debitam correspondentiam non habeant.

2. Primum, conveniet populo perspicue explicare, quomodo Jesus Christus, Filius Dei, Redemptor generis humani, remoti consuetudine repudiandi, matrimonium ad initium ab Creatore stabilite revocavit, ut sit unum et indissolubile. Huius principii alludit divinus Magister, docens: "Non ergo adhuc duo sunt, sed una caro. Quid ergo Deus coniunxit, homo non separet" (1). Hoc principium applicat Sanctus Paulus, scribens ad Corinthios: "Mulier ligata est legi dum vivit maritus; si autem moratur maritus, libera est: sposa quem vult, sed in Domino" (2).

3. Praeterea, conveniet amplius demonstrare sanctitatem matrimonii Christiani, a Jesu Christo ad dignitatem sacramenti elevati. In nova lege, coniugium signum est indissolubilis unionis Christi cum Ecclesia; signum efficacitatis gratiae, datae sponsis per sacramentum. Matrimonium Christianum, propter ipsam suam naturam intimam, sub potestatem saecularem est, non solum dum est toto et consummato, sed etiam non potest dissolvi, neque ab suprema auctoritate Ecclesiae. Quod effectibus civilibus potestas laica legiferare potest, nemo dubitat; sed si procedit ultra, ad vinculum violandum, non coniugium, sed adulterium favoris.

4. Haec doctrina, populo in ecclesiis impartita, piana et facile, praesertim in catechismis, per praesentanda, ut in diariis, sic etiam in libellis,

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proclametur. Quod magnum est, ut in hoc gravissimo thema omnes, parvi et maiores, instruantur, quia de rebus ad religionem pertinentiis, etiam in classibus altioribus, magna ignorantia est.

5. Patefaciatur evidenter constantia Ecclesiae in reprobando divortium, quamdiu leges romanae pristinae id tolerabant; constantia per saecula non minus servata. Ad id propositum, memorentur exempla Sanctorum Patrum, mirabiliter non solum pro sanctitate vitae, sed etiam pro amplitudine (1) S. Matthaei XIX, 6. (2) I Cor. VII, 39.

[*Latin ed. p. 415*]

FROM THE MOST HOLY GENERAL COUNCIL OF THE CHURCH, SESSION 4, CONCERNING DOCTRINE. To those, for example, who claim to be able to divorce with the authority of civil laws, St. John Chrysostom responds: "Do not appeal to laws enacted by foreigners, by which the right of repudiation and divorce are granted. For the Lord will not judge according to these laws on the final day, but according to those decreed by Him." (1) "There are the laws of Caesar," St. Jerome adds appropriately, "and there are the laws of Christ; one thing is imposed by Papinian, and another by Paul." (2)

6. The Twenty-Fourth Session of the Council of Trent is cited, where the Fathers, condemning the flood of errors accumulated by heretics against the Catholic doctrine of marriage, in Canon V, anathematized those who maintained: "that for heresy, or for intolerable cohabitation, or for feigned absence from the spouse, the bond of marriage can be dissolved," and in Canon VI, those who affirmed: "that the Church errs when it teaches, and teaches that, according to the evangelical and apostolic doctrine, for the adultery of one of the spouses, the bond of marriage cannot be dissolved, and that neither, and also the innocent one, who did not cause the adultery, cannot, while the other spouse lives, contract another marriage, and that he is guilty of fornication who, having dismissed the adulteress, marries another woman, and she who, having dismissed the adulterer, marries another man."

7. Can our people ever compare the constant solicitude of the Roman Pontiffs in combating any attempt at divorce, especially when it threatens to be introduced into the code of civil law? To cite a few examples, in the ninth century, St. Nicholas I, also known as the Great, learned that Lothair of Lorraine had divorced his legitimate wife, Teutberga, in order to unite himself in adulterous commerce with a woman in Waldrada. With fearless firmness, he rebuked the king, forcing him to dismiss the adulteress and to take back his abandoned wife. Thus, Urban and Paschal, according to both in the series of those with the same name, opposed Philip I, King of France; Celestine III and the Supreme Innocent also rose up against Philip II, likewise a ruler of France; and, in more recent times, the struggle is classically celebrated.

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(1) Homily on Repudiation.
(2) Letter LXXIX to Oceanus.

[*Latin ed. p. 416*]

416 FROM THE SACRED CONGREGATION OF THE ROMAN INQUISITION of Clement VII and Paul III against the offenses of Henry VIII. The hearts of the most zealous Popes bled, seeing the immense suffering of the island of saints; but for this reason, they did not cease to care for the preservation of the deposit of faith, nor to safeguard the inviolable sanctity of the Sacrament, great in Christ and in the Church. It is well known the allocution of Pius VI in the Consistory of July 11, 1808, to protest against divorce, and the secular injustices in matters of impediments to marriage, imposed by Napoleon on the Italian provinces annexed to the Empire. With grave arguments and words, Gregory XVI protested against divorce in the aforementioned Encyclical "Mirari vos" of August 15, 1832. And his successor, in the Syllabus united to the Apostolic Letter of December 8, 1864, under number LXVII, condemned the following proposition: "By natural right, the bond of marriage is not indissoluble, and in various cases, divorce itself can be sanctioned by civil authority." Of the reigning Pontiff, whom God may long preserve beyond the years of Peter, the Apostolic Constitution "Arcanum divinae sapientiae," given on February 10, 1880, is most worthy of praise, and deserves to be studied and explained to the people; for it is truly a concise compendium of Catholic doctrine concerning marriage, and an effective refutation of the errors that oppose it, including divorce. And in the Consistory of April 15, referring to the design of divorce then being ventilated in Italy, he declared: "Under the present conditions of the Roman Pontiff, which could not be more unworthy or more burdensome, other offenses seem now to be added, which have already weakened the forces of the Church and violated its freedom; another pernicious act seems to be about to be added, the source of two principal consequences: namely, the sanctity of Christian marriage would be profaned, and the foundation of domestic society would be ruined." In the Consistory, held eight days prior, to ward off, as far as he could, the imminent danger of seeing the disastrous design carried out, he affirmed: "Every law that imposes the recognition of divorces commands the return to good right, and commits a manifest injustice against the Creator and supreme Legislator; therefore, such a law can produce adulteries, but never legitimate spouses." 8. It will also be necessary to consider divorce from the perspective of rational ethics, as well as from that of private and civil law.

[*Latin ed. p. 417*]

FROM THE SUPREME SACRED ROMAN CONGREGATION 417, SOCIAL. Reason, experience, and the authority of competent men in both philosophical and legal sciences demonstrate, with undeniable clarity, how

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divorce is intrinsically repugnant to the principles of morality and justice, and how it is also the source of immense harm to individuals, families, and civil society. "How much evil (so the wise Leo XIII states in the aforementioned letter, *Arcanum*) is contained within divorce, it is scarcely necessary to recall. For through it, marriages are made mutable, mutual affection is cooled, infidelity is provoked, the well-being and education of children are prejudiced, an incentive is given to the dissolution of domestic societies, seeds of discord are sown among different families, and the dignity of woman is diminished, who, having satisfied the lust of man, is wretchedly abandoned."

9. It will not be inappropriate to combat the more specious pretexts that are attached to the attempt to disguise the deformity of divorce. It is said that the law will not strike at the sacred sacrament of marriage, but only at the civil contract. This pretext is very weak, since it is well known that neither the law of civil marriage has ever shaken the divine institution of marriage, nor will the legal dissolubility of that contract ever suffice to separate what God has joined together. The State is concerned only with the civil marriage, and it is only in certain cases that it would declare it dissoluble. But it is also true that the State, after having, at least in practice, impugned the fundamental truth that among Christians, marriage is not a sacrament, would, with this law, betray the intrinsic nature of marriage, which is one and indissoluble. It is also true that the State, by obliging, under penalty of denying to the spouses the civil effects of marriage, to contract it in the form established by it; and by granting divorce, commits a tremendous injury against the freedom of conscience. For, consider two spouses: one adheres to the Catholic doctrine of marriage, and the other is faithful to it; the former, who justly believes herself to be legitimately united to her spouse for life, is suddenly deprived of her rights over his person: she must weep in solitude for her misfortune, remain faithful to the deserter, as if she were not lawfully married, while... [The text is incomplete here.]

[*Latin ed. p. 418*]

418 EX. s. c. s. n. u. INQUISITIONIS: Quod, sustinebat auctoritate legum, libere triumphabat, fructum sceleris et impietatis. Et pueri? Eorum educatio, per leges naturae, pertinuit parentibus, sapientiae patris, benignitatis matris. Illi habent necessitatem firmitatis unius, et indulgentiae alterius; ab opere solido patris panem accipiunt, ab exquisitis curis matris, amore eius, qui praevenit et remedia praebet, provisum est pro infinitis necessitatibus, propriis infantiae, puellae et adolescentiae. Nunc, cruenta separatio parentum, quae domum diruit, prole affligit, et educationem eius destruit. Post serenum matutinum, haec prole funestum occasum praesagit; si flebiliter de futuro incerto et doloroso lamentatur, non sine causa.

10. Dicetur: sed casus indicati a designo legis, pauci sunt, et in talibus circumstantiis, numerum non faciunt. Quaesio non est de numero, sed de

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essentia. Violatio divinae legis est immutabilis, sive in uno, sive in centum casibus; et si non multi divorcii multiplicantur, multo melius est si omnino non concedatur. "Circumscribere divorcium intra praefixos terminos," (ita Pontifex Regens in Allocutione die 16 mensis huius), "non minuit, sed auget, delicta; et conare, medio cursu, incendium arrestare, ubi impetuoso vento flat, est."

11. Sed saltem Sede Apostolica videtur tolerare divorcium in certis regionibus catholicis. Sede Apostolica, ut supra demonstratum est, semper opposuit divorcio. Si credit adaptare circumstantias locorum et temporum modum protestationis, laudatur prudentia matris eius; sed protestavit. De lege divorci, bene est repetere verba scripta a S. M. Pii IX ad Victorium Emmanuelem II, de matrimonio civili: "Sede Apostolica numquam acquiesivit factis quae hic citantur, sed semper reclamavit contra has leges, et, cum eorum existentiam cognovit, documenta etiam nunc in archivis nostris servat, quae sunt de factis remonstrantiis; sed haec numquam impedierunt, nec impedient, catholicos illorum regionum, qui coacti sunt ad obsequendum necessitate harum legum" (1).

(1) Littera die 19 Septembris 1852.

[*Latin ed. p. 419*]

E X S. G. S. R. U. INQUISITIONIS 419 12. These things, Most Eminent Cardinals, Inquisitors General, My Colleagues, wished to write to Your Eminence, in order, should it be necessary, to excite your well-known zeal, to defend the cause of God and of souls in our Peninsula. They do not doubt that, emulating the solicitude of the Holy See and of its Brothers, many of whom, in such a painful circumstance, gave splendid proofs of profound doctrine and pastoral fortitude, will contribute from their side to put an end to this new scourge, afflicting a people as profoundly religious as the Italian people. They also entrust to your piety the task of interceding with the Divine Father, that, under the auspices of the most holy Nativity of the Redeemer, our good people may enjoy that peace which the angels, on the blessed night of that birth, announced to men of good will. Of Your Eminence, Most Illustrious, Rome, on the Vigil of the Nativity, December 24, 1901. Your most humble Brother, L. M. CARD. PAROCCHI.

DUBIUM concerning the validity of the episcopal consecration, if the imposition of the missal is made later.

Most Blessed Father, the Priest N., Master of Ceremonies, prostrate at the feet of Your Holiness, explains the following. He was present at the episcopal consecration of the Bishop Titius. According to the Roman Pontifical, in the episcopal consecration, "the consecrator, having received the book of the Gospels, opens it, and, with the assistance of the attending Bishops, without saying anything, lays it upon the shoulders and scapulae of the elect"; and he ought to perform this imposition of hands of the Bishops and the recitation of the words "Receive the Holy Spirit"; so that when the

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Bishops lay their hands upon him, and pronounce the words, the book of the Gospels is already upon the shoulders of the elect. However, in the consecration of Titius, the imposition of the book of the Gospels upon the shoulders of the elect was performed later; namely, after the singers began the hymn "Veni Creator," but before the unction of the head; at that time, indeed, the Master of Ceremonies...

[*Latin ed. p. 420*]

420 FROM *S.C.S.R. INQUISITIONIS* (Sacred Congregation of the Holy Office of the Inquisition), noting the omission, the consecrating Bishop ordered that the book of Gospels be placed open upon the shoulders of the elect, and the procession proceed to the remaining rites, namely, the unction of the head, etc. — Therefore, when three bishops imposed hands, the book of Gospels was not upon the shoulders of the elect. Concerned about this omission, the aforementioned Master of Ceremonies humbly inquired: Whether the Orator [i.e., the candidate] can acquiesce, or rather, whether something must be repeated or supplemented. If something must be repeated or supplemented, he requests that the Orator be allowed to have it done by any bishop and on any day, and without Mass, so that no wonder or disturbance may arise; for the new Bishop is entirely unaware of this omission, which, it seems, is known only to the Master of Ceremonies and the Consecrating Bishop. And God, etc. On Thursday, July 30, 1901, in a Congregation held by the Most Reverend and Venerable Cardinals, General Inquisitors, having considered the aforementioned question, and with the vote of the Most Reverend Fathers of the Holy Office, the aforementioned Most Reverend Lords judged it fitting to respond: Let it be so. Subsequently, on Saturday, the 12th of the same month and year, during the usual audience granted to the Reverend Father, the Commissioner of the Holy Office, the Most Holy Lord Pope Leo, of Divine Providence, Pope XIII, having received a report on the matter, approved the response of the Most Reverend Fathers. I, Canon Mancini, S.R. and U. of the Inquisition, Notary. REASON for presenting documents to the Apostolic See through the local Ordinaries. Most Reverend and Venerable Lords, It rarely happens that documents, even concerning matters of the greatest importance and worthy of the utmost attention, are presented to the Roman Congregations, this Supreme Holy Office excepted, by the Procurators (in Italian, "Ecclesiastical Agents") of the Episcopal Curias.

[*Latin ed. p. 421*]

FROM THE SACRED CONGREGATION OF THE ROMAN INQUISITION 421, so that they may be presented and made evident to all: these, however, are often written on very small and insignificant pieces of paper, and with a neglected form, so that they are not a little indecent in appearance and less suitable for the positions, which they call, to be filled.

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All these things, justly lamenting, the Most Eminent Cardinals, together with the General Inquisitors, in a General Congregation held on April 24th of the current year, ordered to be signified to all Episcopal Curias, that in the future, such documents, written on paper of the common Roman size, or directly through the public postal service, or, if they deem it reasonable to use the services of Procurators, so sealed and secured with a seal, that no opportunity may exist for clandestine opening by any part of the Procurators themselves. And, as it is my duty, I bring this to your notice, and, seizing this favorable opportunity, I pray for your happiness and prosperity from the Lord. Given in Rome, from the Holy Office, on August 23, 1901. Most devoted and obedient servant, L. M. Cardinal.

FROM THE SACRED PENITENTIARY APOTOLIC

DOUBT: Whether, in order to gain an Indulgence, prayers must be repeated as many times as the works are performed with the visitations.

Most Blessed Father, N. N., from the Congregation of the Most Holy Redeemer, humbly prostrates himself before Your Holiness, and puts forth the following question:

When visiting churches in order to gain an Indulgence, are the faithful obliged to pray for the intention of the Most Holy?

If they are impeded, can they substitute the visitations with other works?

Regarding this, Benedict XIV writes in the Constitution *Inter praeteritos*, § 53: « This authority... to vi-

[*Latin ed. p. 422*]

422. Ex *S. Poenitentiaria Apostolica*: visitationes basilicarum restringuntur, et proinde alia opera iuncta nec potest nec debet extendi; exempli gratia: "ad preces quae a visitatione basilicarum separari possunt." Verum, quaerenti "an fideles qui juxta dispositionem Ordinarii quinque tempora agunt visitationes processionaliter ad ecclesias, teneantur pro aliis decem visitationibus ab Ordinario remissis praescriptis a Romano Pontifice recitare preces," Sacra Poenitentiaria a. 1875 respondit: "Standum est terminis reductionis ab Episcopo vigore litterarum Apostolicarum concessis." Cui responso haec animadversio subiungitur *Acta S. Sedis*, vol. VIII, p. 360: "Si parumper dubitare liceat an Ordinarius dispensandos super visitationes peragendas, dispensare queat etiam super preces: tamen haud ambigendum est preces praedictas ita visitationibus coniunctas esse, ut earum essentialem partem constituant. Proinde, quibus visitationibus remissis, et preces remissae intelligi debent." Unde, dubitatur utrum potestas confessoris, legitima causa commutantis visitationes prolucrando iubilaeo institutas, se extendat ad preces inter has visitationes, ad intentionem Sanctissimi fundendas: an potius teneatur poenitens qui dictam commutationem visitationum obtinuit, nihilominus sexagesies ad

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intentionem Sanctissimi orare, et praeterea implere opera visitationibus a confessario substituta. Et Deus. Sacra Poenitentiaria mature consideratis expositis, ad praefatum dubium respondet: "Supposita discretione Confessorii, qui dummodo id ferant vires poenitentis, proportionem adhibeat, etiam quoad numerum, inter visitationes praescriptas et opera substituta, preces juxta intentionem Summi Pontificis toties fundendas esse, quoties dicta opera peraguntur."

Datum Romae ex S. Poenitentiaria die 4 Septembris, 1901.

D. MANNAIOLI, S. P.

Corr.

A. P.

Can. MARTINI, S. Secr.

[*Latin ed. p. 423*]

FROM THE HOLY APOSTOLIC PENITENTIARY, 425. A QUESTION REGARDING ONANISM. John, the parish priest, humbly kissing your hands, reverently presents the following case: Titus, a parishioner, wealthy, honorable, learned, and a good Christian, when prudently questioned about his marriage, confesses that he always interrupts coitus with his wife, even against her will, so that a child will not result; and when questioned by me, he confesses that he almost always causes the woman to ejaculate. Being rebuked for this, he immediately replies that he acts in this way for two reasons: 1st, so that the family's status is not increased by a larger number of children (for he already has a son and a daughter); 2nd, so that his wife is not too fatigued by pregnancy. The parish priest, having been warned of the absurdity of these reasons, replies that he has found that such a practice has been approved by a certain renowned confessor, whom he met recently in a certain retreat in a particular community, where the husband, in the act, intends to restrain the concupiscence and not to cause pollution. John, the parish priest, amazed that this renowned confessor, who had previously been a lecturer in moral theology, would approve of such a practice, nevertheless, although he wishes Titus to persevere in this manner of acting, he dared not absolve him. Titus, offended by his dismissal, denounces his parish priest as ignorant and arrogant, so that others might correct him and impose unbearable burdens on those seeking penance. John, the parish priest, deeply disturbed by all of this, which greatly harms the parish priest, and even his own religion, humbly and reverently asks for your guidance: What should be done regarding Titus, who will most likely return to confess, and who will stubbornly persevere in his manner of acting? And the Holy Apostolic Penitentiary, after maturely considering the facts presented, responds: The parish priest acted correctly in this case, and he cannot absolve the penitent who refuses

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to abstain from this manner of acting, which is pure onanism. Given in Rome, in the Holy Apostolic Penitentiary, on the 13th of November, 1901.

[*Latin ed. p. 424*]

424 FROM THE HOLY APOSTOLIC PENSION: A QUERY. Can the Ordinary delegate to even those not properly pastors, the faculties of the Holy Pension which are delegable to pastors?

Most Blessed Father,

By the most benign letters of the Holy Apostolic Pension, dated April 30th, I have been granted, for the internal forum, the extension, for five years, of number XI, which allows pastors of this Archdiocese habitually to delegate the faculty of dispensing in cases of hidden impediments of affinity, excusing illicit marriages contracted when the parties are prepared for marriage.

Indeed, a doubt arises among the pastors concerning the interpretation of this provision. For in this Archdiocese, besides the pastors canonically instituted, there are other priests, so-called "rectors," who preside over separate territories, and who have care of souls within those territories, and exercise quasi-parochial rights, although they cannot properly be called pastors. For in these industrial regions, due to the ever-increasing number of Christian people, in order that better provision may be made for the salvation of souls, districts are separated from the parishes, and within those districts, it is necessary to establish priests with quasi-parochial jurisdiction. To establish a new parish, it is not possible without the intervention of the royal government, which, according to civil laws, must exert its authority in establishing a new parish. Therefore, it is the case that, although all that is required according to ecclesiastical law for such a division is easily provided, a new parish cannot yet be established, because the civil requirements are not yet met.

With these premises, the following is asked:

1. Do the "pastors" mentioned in the cited letters of the Holy Pension include those so-called "rectors" who exercise care of souls in a particular district, but who cannot properly be called pastors?

2. Do they also include other priests, who, during a vacancy of the parish, or on occasion of illness or absence of the pastor, are appointed as administrators of the parish?

And, in the negative, I humbly beseech Your Holiness to deign to extend the faculty, according to the aforementioned provision, considering the particular circumstances in this Archdiocese. And may God...

[*Latin ed. p. 425*]

FROM THE SECRETARY'S REGISTER, No. 425, Cologne, on the 1st day of June, 1901. — The Absent Archbishop's Procurator, the General Arch-

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diocesan Vicar. The Sacred Penitentiary, having maturely considered the presented matters, responds to the aforementioned doubts: Affirmative to both. Given in Rome, in the Sacred Penitentiary, on the 17th of July, 1901. B. POMPILI, Secretary. R. CELLI, Substitute. FROM THE SECRETARY'S REGISTER: Certain Indulgences are granted to those who, on any day of the month of January, perform some act of devotion in honor of the Most Holy Name of Jesus. LEO XIII, Pope. FOR PERPETUAL REMEMBRANCE. To no Christian man is it given to hope with greater boldness than to the Most Holy Name of Jesus, which is above every name, and in which every knee bends, whether in heaven, on earth, or under the earth, and every tongue confesses to God. This was certainly not unknown to the ancient Christians, who, at the beginning of all their undertakings, were accustomed to be guided by that shining sun, so that they might, for themselves and for their affairs, attain the outcome they desired. Even in our times, this holy and praiseworthy custom has not been entirely extinguished: indeed, some Christians begin the new year in honor of the Name of Jesus, and dedicate the entire month of January, in which the solemnities of remembering the Name of Jesus are celebrated, offering to God the first fruits of the year. We, concerned for the good and the benefit of the souls entrusted to our care by divine providence, strive to promote good morals in Christian societies, and we desire and hope that this ancient custom may be revived and flourish among Christian families. For it corresponds perfectly and is in harmony with the Lord's Prayer, in which we daily and piously beseech God that He may be sanctified.

[*Latin ed. p. 426*]

426 FROM THE SECRETARY'S OFFICE OF BRIEF DOCUMENTS: If our actions are not pleasing, they will have a sad outcome; therefore, let us begin with the Name of Jesus. Wherefore, following the footsteps of our Predecessor, the Most Holy Pope Pius, of blessed memory, who, preserving the ancient custom of the Neapolitan Church, has generously bestowed gifts from the heavenly treasury, at the request of the Congregation for Indulgences and Sacred Relics, We grant to all and each Christian faithful, who shall offer a special devotion to the Most Holy Name of Jesus on any day of the month of January, three hundred days of indulgence if they perform it in a church or public oratory; if, however, they perform it privately, we grant only one hundred days, which We remit from the usual penances imposed by the Church. To those Christian faithful who publicly perform this devotion, that is, who attend daily in a church or public oratory, and who, on the last day on which this pious exercise is completed, approach the Sacrament of Holy Communion truly contrite and having confessed, and who offer prayers to God for the concord of Christians, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We grant, with paternal mercy, a plenary remission and

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forgiveness of all their sins. We also grant that all and each of these indulgences, remissions of sins, and relaxations of penances may be applied for the benefit of the souls detained in Purgatory. In contradiction to nothing whatsoever. These are valid permanently. We decree that these present documents are null and void if a copy of them is not presented to the Most Holy Congregation for Indulgences and Sacred Relics; and that the same faith shall be given to these copies or transcripts, even if they bear the handwritten signature and seal of a public notary, as would be given to the original documents if they were presented or shown: Given at Rome, near St. Peter's, under the Fisherman's Ring, on the 21st of December, 1901, in the twenty-fourth year of Our Pontificate. For the Most Reverend Cardinal N. MARINI Macchi.

[*Latin ed. p. 427*]

427 FROM THE MOST RECENT DECREES OF THE HOLY CONGREGATION FOR RITES, ROMA; the response of the liturgical commission concerning article 4 of the general decree (1) concerning semi-public chapels. At the request of the Most Reverend Secretary of the Vicariate in URBE, and referring to the aforementioned document from the Secretary, the Holy Congregation for Rites, adhering to the opinion of the Liturgical Commission, decided to respond as follows: "Article 4 of the general decree concerning semi-public chapels," dated January 23, 1899: and similar chapels, "in which, by institution, a certain group of the faithful is accustomed to gather" to hear Mass, are to be understood as referring to any places in which, with the consent of the local priest and with the authority of the Ordinary, those aforementioned places are used to hear Mass, even for the fulfillment of the Sunday obligation. And thus it responded, on August 3, 1901. D. CARD. FERRATA, S. B. C., Prefect. L. S. D. PANICI, Archbishop of Laodicea, REGARDING THE REPORT ON THE DECREE. Regarding this decree, inquiries are made in ROMA, and the following observations are made: 1. We observe first, and inquire immediately, whether the title, which one of the periodicals (M. E., fascicle 8, page 349) places before the aforementioned decree, is accurate: and we answer this negatively. For it is said: "Even private chapels, in which a certain number of the faithful are accustomed to gather to hear Mass, can be considered as semi-public; and the Bishop [the Ordinary, not another] can permit the celebration of the Holy Sacrifice therein." This decree was reported in Vol. XXXI, page 412.

[*Latin ed. p. 428*]

428 FROM THE SACRED RITUAL'S CANON. It is now clear that the faithful do not usually gather in private chapels for the purpose of hearing Mass; for these, as we have already said, are erected in private dwellings, and are intended for the exclusive benefit of a particular person or family,

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to whom they belong, and who enjoy a special privilege. Therefore, others, even if they belong to a particular group, cannot, and ought not, to gather there; and this is especially true since the decree concerns hearing Mass to fulfill the precept. Furthermore, it has been determined that, in private chapels, only those who possess the aforementioned privilege can fulfill this precept. Moreover, a private chapel, which is erected in a private dwelling, can never be considered semi-public; for it is not located in a public place, but only in a private dwelling, as will be evident from what follows. Therefore, it follows that a private chapel cannot be considered semi-public, and that the Bishop can never permit the celebration of Mass therein, except for a very grave reason and only for the passing of a very small number of travelers (Decree 2404 a d 5), unless the Supreme Pontiff has granted a special dispensation.

2. Secondly, we note the words: "Chapels, in which a group of Christians is accustomed to gather, by institution, to hear Mass, refer to those chapels concerning which a decree was promulgated on January 23, 1899, namely, Decree No. 4007, concerning semi-public chapels, as the title itself, preceding the aforementioned decree, clearly indicates. It must be distinguished between a public chapel, a semi-public chapel, and a private chapel. Certainly, by law, a public chapel is one which, by the authority of the Ordinary, is permanently dedicated to public worship of God, is blessed, or even solemnly consecrated, and has a door opening onto the street, or otherwise provides free access to all the faithful. Thus, the aforementioned decree states literally. Similarly, certainly by the same law, a semi-public chapel is one which, although located in a place that is somewhat private, or not absolutely public, is erected by the authority of the Ordinary; but it serves not all the faithful, nor only a private person or family, but a certain group of people or persons. Thus, similarly, it is stated literally in the aforementioned decree. Finally, it is always clear from the same law that a private chapel is one which is erected in a private dwelling, for the benefit of a particular person or family, by an indulgence granted by the Holy See. This, too, is stated literally in the aforementioned decree.

[*Latin ed. p. 429*]

EX S. C. RITUUM 429 3. Furthermore, the aforementioned passage refers to a Decree in Romana, concerning which we have observed, and which relates to several Oratories, which are mentioned in the Decree, such as those found in Seminaries, in Colleges, in pious Institutes of simple vows, in houses dedicated to spiritual exercises, in Convents, etc., all of which must now be called semi-public and are, according to the definition of the Sacred Congregation. After these remarks, the Decree adds the following words to the individual designation of each Oratory: "and other similar Oratories." Therefore, even those Oratories which are merely called semi-public, and which in no way can or should be referred to as private, are

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included. 4. Hence, it can be inferred, as is stated in the aforementioned Ephemeris, namely: that whenever a private individual intervenes in a certain Oratory, the Bishop must have the authority to erect it and to permit the celebration of the Mass therein; and so that the Mass on festive days may serve for the satisfaction of the precept for all present. These words are not easily understood; for either they apply to private Oratories, and in that case they cannot be maintained; or they introduce an unnecessary obscurity regarding semi-public Oratories. They cannot be maintained; for in a private Oratory, by common right, only those who have a special privilege are permitted to assemble for the purpose of hearing the Sacred Office in satisfaction of the precept, and if they assemble, it does not satisfy the precept. Moreover, it is much less likely that any gathering of the faithful, about which the Decree speaks, and which explains the number of the faithful, would be permitted. They introduce an unnecessary obscurity; for how can it be that a Bishop acquires the right to erect an Oratory, if in that same Oratory a certain number of the faithful are present? If it has not yet been erected, certainly the faithful cannot assemble therein; but if it has already been erected, how can the Bishop acquire the right to erect it? Furthermore, if the Oratory is semi-public, the same argument applies as mentioned above; but if it is private, the Bishop has no authority over it, neither concerning its erection, nor concerning the celebration of the Mass, except in cases of extreme necessity, but in all other respects it pertains entirely to the Apostolic See, as has been explained more fully. 5. Thus, the meaning of the Decree in Romana is as follows: When it is a question of any Oratory, not a private one, but a semi-public one, whether it be of Seminaries, of Colleges, of pious Institutes or Societies of simple vows, or of other communities living under a rule approved by the Holy See or at least by the local Ordinary, or of houses dedicated to spiritual exercises, or of Convents,

[*Latin ed. p. 430*]

430 FROM the Sacred Council of Trent, concerning Convents, or Hospices, which are intended for the instruction of youth, or for studies or arts, are to be considered as Hospitals, Orphanages, Schools, Prisons, or other similar semi-public chapels, in which a certain group of Christians, or any other faithful, may, with the permission of the local Ordinary and the Bishop, assemble to hear Mass, in order to fulfill the precept, and thereby satisfy their obligation. 6. Let the reader understand the authentic interpretation of the Decree, and we shall note the following: a) The ancient authors who wrote about chapels, among whom Gatius is easily recognized, scarcely mentioned semi-public chapels, and that, in fact, not by name, since they did not generally use that term. b) It was presented to the Sacred Congregation that it would be opportune, in our time, and useful, and almost necessary, to define something more precisely, since the number of

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chapels of communities, enjoying the privileges of the Council of Trent, had increased almost without limit, especially in the city. c) In these chapels of communities, parents of girls or young people who were being educated there often attended Mass, even on holidays; but whether these parents, or other relatives, satisfied their obligation by doing so, was uncertain. It was commonly held that they did not satisfy the obligation, unless by a special dispensation; hence the need for a regulation, since it was more difficult to induce them to hear another Mass. d) Furthermore, since these chapels could not strictly be called private, nor public, it was necessary to consider how the Sacred Congregation would define them. Hence, in the general Decree 4007, it is declared with the utmost clarity what constitutes a private chapel, what a public chapel, and what is particularly a semi-public chapel. e) Hence, the rights of the Ordinaries concerning these last chapels, whether concerning their erection, or concerning the celebration of Mass therein, were also declared. 7. Since semi-public chapels belong to communities, whether ecclesiastical or lay, and the Sacred Congregation, in the general Decree 4007, has decreed that a group of the faithful may assemble in them to hear Mass, the question arose whether only a certain group of the faithful could satisfy their obligation by hearing Mass there, or whether other faithful could also do so. And the Sacred Tribunal affirms that the present Decree responds to this, namely: In any semi-public chapel, properly constructed by the authority of the Ordinary, and in which Mass is celebrated by the authority of the same Ordinary,

[*Latin ed. p. 431*]

From the Sacred Canons of the Council of Trent, 431: Whoever of the faithful attends Mass on festive days fulfills the precept of the Church. However, the decree states: with the consent of the local superior, and with the authority of the Ordinary intervening, because we are not dealing with private matters, in which, for the purpose of fulfilling the precept, neither the consent of the local superior, nor the intervention of the authority of the Ordinary, would suffice; because we are not dealing with public matters, in which no private or public person has the faculty to dispense, so that they may be excused. Because, finally, we are dealing with semi-public oratories, which belong to a particular group of people or to a community; therefore, the faculty of the superior, or local authority, is required for the faithful to participate; and also the faculty of the Ordinary, who, by the nature of his office, is the superior of the entire community. The reason for this twofold requirement is understood to be to avoid any irregularities and to prevent arbitrary actions.

ORDER OF THE MINOR BROTHERS OF SAINT FRANCIS OF ASSISI (CAPUCHINS): Doubts regarding the use of the Ambrosian rite by a priest of the Roman rite.

Reverend Father Franciscus Vallio, editor of the Calendar of the Brothers

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of the Holy Francis of Assisi (Capuchins), Province of Saint Fidelis, in the Ticino region, with the consent of his administrator, Reverend Father Minister Provincial, and Reverend Father Procurator General, humbly requested a resolution from the Sacred Congregation of Rites regarding the following doubts:

I. What calendar should priests of the Roman rite follow when celebrating Mass in churches of the Ambrosian rite?

II. Should these same priests, when celebrating Mass in these same churches, follow the Ambrosian calendar and rite, or the Roman calendar and rite?

III. And, assuming an affirmative answer to the first part, is this also applicable to religious, who are bound by a serious precept of the Constitutions to follow the Roman rite?

And the same Sacred Congregation, after considering the report of the undersigned Secretary, after hearing the vote of the Liturgical Commission, and after careful deliberation, decided to respond:

[*Latin ed. p. 432*]

432 FROM the Sacred Congregation of Rites, to the Calendar of the Roman Rite of the Diocese, especially on more solemn days, local ones, such as the Title or Dedication of the Church, the Principal Patron of the place, etc., conforming in color and in the Mass to the Calendar of the Church in which the Sacred Office is performed. To I, affirmative in the first part; negative in the second. To III, affirmative in the case. And thus it was written, on January 10, 1902. D. CARD. FERRATA, Prefect of the Sacred Congregation of Rites. TO THE MOST REVEREND DIOMEDES PANICI, Archbishop of Laodicea, Secretary of the Congregation for the Causes of Saints, concerning the Beatification and Canonization of the Servant of God, Sister Mary of the Celestial Rosary, Foundress of the Monastery of the Most Holy Savior, now called in the city of Fodiana. INFORMATION: Is the effect of the doubt to be noted concerning the introduction of the cause, and to the Most Eminent and Reverend Lord? God, who has promised never to abandon His Churches, and who, if more grievous times should come, and more violent plagues should arise, offers to those who labor more powerful assistance, with which, aided, they may overcome the raging enemies. It is not rare that, with God's permission, new religious orders arise, which offer hostile aid to the Church, which is so much sought after everywhere, and deliver it from danger. And it is no secret how much help and benefit has been received from religious families, whether from the Order of Saint Benedict, or from the Order of Saint Francis and Dominic, or from the Order of Saint Ignatius, and from many others, whom God has raised up according to the necessities of the times, and who have received their institutions: how

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many and how much of the Saints have existed among them.

[*Latin ed. p. 433*]

From the Sacred Congregation of Rites, 435: The Pontiffs, like the Apostles and Doctors, are such that, just as the strength of a republic depends on its armies for repelling enemies, so too the principal support of the Church is found in religious societies; and indeed, those who foresee adverse events pursue these with stubborn and bitter hatred. The secular innovators and most recent enemies raised their heads, who did not attack even one or two dogmas of the Catholic religion, but rather the very divine revelation, nay, even God Himself, impiously, preferring to them human reason. In the beginning, they crept near the thrones, intending to overthrow them shortly; they flattered the kings, intending soon to depose and cruelly kill them. Born of flattery and cajolery, they claimed new rights and privileges, and introduced new laws by which they would restrict the freedom of the Church. While all means of human cooperation for the protection of everything were being taken away, the impious tenets of philosophers were freely spread, especially among the leading orders of citizens. In these unfortunate circumstances, God raised up two excellent Servants, both in the same Neapolitan city, who, through their writings and the works of their followers, would be a support to the Church cruelly attacked; one, Alphonsus Maria de Liguori, solemnly declared a Saint and Doctor by the judgment of the Church; the other, Maria Celeste Crostarosa, whose sacred Congregation we most fervently commend to you, so that those whom a certain friendship united while they lived on earth, may be joined together in the blessed life, and honored with the same honors. Therefore, the Lord raised up these two, that they might stir up the love of heavenly things in the hearts of men, and restrain them under the authority of the Church. And so that their works might be more lasting and extensive, He commanded both of them to institute new religious Congregations; but He gave the command directly to one, and through an intermediary to the other: to one, the Servants of the Annunciation. Both considered themselves unworthy to carry out the commands; both hesitated, doubting whether the command came from God; one was led astray by the enemy; the other argued with the Servant of God, and considered her foolish and empty-headed. Maria Celeste was confirmed by a pious nun, so that she might be certain that she was writing new rules for herself according to the will of God; Saint Alphonsus dispelled his doubts only after being moved by the authority of the Bishops, from the Acts, Vol. XXXIV, Session III.

[*Latin ed. p. 434*]

434. From the sacred rites, the sanctity and doctrine of illustrious men unanimously affirm that the mind of Mary, the Heavenly, was illuminated by God. Moreover, God, with eager zeal, fulfills His will: that is, the spiri-

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tual benefit of the faithful; this, the sanctification of virgins, especially in the city of Naples. We also believe that this was accomplished by a certain, particular providence of God, so that the cause of the Beatification and Canonization of Mary, the Heavenly, Crostarosa, might be preserved in our time. For we see the lamentable effects of that war against the faith, which was imposed upon us in those times, and which has never ceased; namely, that, while many men languish, or have entirely extinguished, with the hope of heavenly joys, they most greedily seek earthly pleasures, and strive to obtain them in every way, and, having obtained them, use them immoderately and licentiously. Therefore, it seems to us, if we are not mistaken, that it is fitting that this virgin, Christ, be presented as an example to the veneration of the faithful, who not only relinquished all earthly delights and detested them, but also had this particular characteristic, that, even while living among men, her mind and heart were constantly turned towards heavenly things, so that, as those things are said, she clearly perceived them. Concerning the birth, homeland, parents, baptism, and confirmation of the Handmaid of God. The Handmaid of God, Sister Mary, the Heavenly, Crostarosa, was born in Naples on October 3, in the year of Christ 1696. Her parents were Joseph Crostarosa, an illustrious lawyer in the Neapolitan court, and Paula Baptist Caldari. Although they led a life of considerable comfort, nevertheless, for reasons that are not known, there came a time when they experienced some family hardship. She had two sisters, the elder of whom is the Handmaid of God, and the younger, who also vowed her virginity to God; and two brothers, of whom one entered the Society of Jesus, and the other lived a secular life. All these children were most piously and diligently educated by their parents. The little Handmaid of God, whom the Lord had destined for the highest degree of sanctity, was seen, immediately after her birth from her mother's womb, to be in such danger of life that the midwife considered it necessary to immerse her in the sacred waters of baptism.

[*Latin ed. p. 435*]

From the Sacred Ritual, 435: It is established that she will inherit, but only under the condition of being baptized in the parish church of Saint Joseph the Greater, and receiving the names Julia, Marcella, and Saint, as, indeed, her faith in baptism testifies. But the faith received through Confirmation is not observed. Nevertheless, it is clearly proven that this was a sacrament administered without doubt, both by the evident piety of the individual, and because, unless she had received the sacrament of Confirmation, she could never have been admitted to the number of the religious.

Concerning the childhood and adolescence of the Servant of God. The most pious parents, which is a most excellent benefit from God, raised the Servant of God, as we have said, in such a way that, by their example, they instilled in their daughter a love of virtue, so that she might flee from sin,

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and diligently cultivate piety towards God, the most blessed Virgin, and the Saints. To this pious upbringing, aided by divine grace, the Servant of God responded in such a way that, even as a little girl, her mind being entirely intent on God, she appeared adorned with all virtues, and aroused the admiration of many, and served as an example for her companions. What is more, already at the age of five, the first stirrings of love for God were so strongly felt within her that, when she was taught to read and write, she would constantly engage in mental prayer, and it is a credible account that she persevered in this, hidden from others, for two or three hours daily. In the family of the Crostarosa, it was customary to read the lives of the saints, a practice which greatly delighted the Servant of God and stirred up her piety. Inspired by a desire to imitate Jesus, during a harsh winter, she insisted on wearing only her stockings, and even had her shoes taken off, so that she might walk barefoot. But even in these small matters, there is something to be said about the faults of her childhood, which, in the judgment of the most discerning, were the greatest, and which she never ceased to deplore with bitter tears throughout her life. For when she had barely reached the age of seven, it happened to her, as it often happens to wealthy young girls, that certain young men, seeking to show their affection for her, tried to add to her pleasures, and to instill in her a love of worldly things. These young men, endowed with a lively nature, took great care to dress the girl in splendid clothes, and to teach her profane songs.

[*Latin ed. p. 436*]

456. From the Holy Scriptures, it is clear that she conversed with earthly and fleeting things. These worldly affections, which had first stirred her virginal spirit, began to diminish the power of piety to some extent, for she did not please the Divine Spouse, who had from the beginning given her everything she loved. As soon as she realized this, moved by the sorrow of her heart, she began to bitterly lament her fault. And in order to regain the benevolence of the Beloved in herself, she confessed all her sins to a certain Dominican priest throughout her life. She acted with such fervor that, in the temple, before everyone, she wept uncontrollably, and, having been seized by the senses, she declared herself a sinner and did not hesitate to publicly acknowledge her sins. After this confession, it seemed as though her character had changed and she had become someone else. She diligently sought a more remote house, preferring silence and solitude, and no longer indulged in the company of people. Increased by the same guide of conscience, whom we had previously confessed our sins to throughout our lives, and by the same teacher in learning the truths of the faith, at the age of eleven, she approached the Holy Sacrifice for the first time with ardent desire and charity. From that time on, when she received the most holy Eucharist, scarcely able to contain herself in her virginal breast, she was

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so transported that, upon returning home, she was ridiculed by her brothers, as if she were incapable of attending to domestic affairs. Indeed, they did not understand that their sister, as that sister Martha, was completely devoted to matters of much greater and sweeter importance. At this time, God commanded His handmaid to conceal from everyone, even from the guide of her conscience, the heavenly delights and supernatural charisms which He bestowed upon her in abundance; and the most humble handmaid of God faithfully fulfilled this command. But these spiritual benefits, which the handmaid of God received, were not insignificant. When, with the deepest love, she contemplated the crucified Jesus, and remembered the wound in His side, she was so overcome with repentance, and so illuminated by a heavenly light, that she no longer needed the help of books for meditation, but, like an eagle with its keen sight, was able to gaze upon the Divine Sun. Moreover, the Redeemer of mankind appeared to her, and, showing her His torn side, spoke to His handmaid with great love: "Let her consider this; let her know that this is her future Master; let her know that He will wash away her sins; let her know that she wants to love no one else but Him."

[*Latin ed. p. 437*]

According to the Sacred Ritual, number 437, the most pious girl, just as the Mother of God, "kept all these words in her heart" (Luke 2:51). When she had reached the seventeenth year of her age, divine inspiration urged her to choose a spiritual director, to whom she should reveal all her secrets. Obeying this divine command, she entrusted herself to Father Bartholomew Cacace, a presbyter distinguished by his piety and learning, and revealed to him all the intimate matters of her heart. Under his wise guidance, she made great progress on the path of the Lord, struck by a more vivid love for God and profound contrition, and her sins were washed away by copious tears, often shed in the temple. But then came a terrible time, when the Spouse hid Himself, as if He had abandoned her. For three long months, the Servant of God, who was twenty years old at that time, was deprived of all heavenly consolation, and she seemed to have been delivered as prey to the enemy; what doubts assailed her faith, what temptations attacked her purity, causing her great anguish. But, although almost bereft of all strength, she never ceased to seek her Beloved God through constant prayer; and He was finally found again. For when the priests were chanting the Gloria in excelsis on a holy Sabbath, her former joy was immediately restored. From that time on, the desire to leave the world and dedicate her life to the service of God in some monastery burned more intensely within her. But this unexpected resolution of her vow was brought about by a certain event. Her older sister, named Mariliana, was going to visit, accompanied by her mother, in order to take a vow of virginity to God in a monastery. The Servant of God earnestly begged her mother

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to allow her to accompany her on the journey; and when they arrived at the Marilian monastery, the abbess asked whether she also wished to remain there with her sister. To this question, which is usually put to young girls who come to visit a monastery, the Servant of God firmly replied that she did wish to remain there, and that she did not wish to return to her father's house. Her mother, who was reluctant, was so moved by her prayers that she finally allowed her to stay, but with the condition that she might return home if her father wished. But at this point, certain of her decision, she behaved like a daughter. However, she soon noticed that the rules were not perfectly observed in the monastery, and that the abbess would never allow her to take her vows there. But when she had taken steps to restore the regular discipline, the Servant of God put on the habit of the Carmelite nuns, and became known as Maria of the Celestial.

[*Latin ed. p. 438*]

458. ACCORDING TO the custom, she accepted [the habit], so that she might strive to learn the degree of perfection. Concerning those things which she did after embracing the religious life, and concerning the establishment of the monastery of the Most Holy Savior in the city of Fodiana. Therefore, when the Servant of God had entered the monastery of Marilianense for twenty years, scarcely six months had elapsed when she put on the sacred Carmelite habit, and her novitiate began under the most auspicious circumstances. The Mother Superior, who, as we have said, had used these means to restore discipline to the house, having carefully considered all things, and having chosen a suitable person to exercise the office of Mistress of Novices, after eight months of her novitiate, entrusted this office to the Servant of God: for she had seen that she could more effectively restrain the frequent conversations of the nuns with outsiders, and lead them back to the love of solitude. But when the Servant of God, who was diligent in her work, aroused the envy of her sisters, and especially of the vicars, both because of her austerity, and because they saw that a task, which had previously been entrusted to the seniors, had been given to a junior, indeed, to a novice. Having completed the year of her novitiate, she solemnly confirmed the vow of chastity, which she had already made, at the age of seventeen, at the urging of the Most Reverend Bartholomew Cacace, her director, and she solemnly pronounced the other religious vows. At this time of her profession, her mind illuminated by divine light, she saw Jesus, accompanied by the Virgin Mary and Blessed Catherine of Siena, saying to her that He would be her future Spouse, that Mary would be her Mother, and that Catherine would be her teacher. Such was the increase of this grace, that she was immediately made to understand that she must continue in the office of Mistress of Novices, and that she frequently, being transported beyond herself, was constantly conversing with her Spouse. Therefore, after her novitiate was completed, she was considered to be the

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most suitable person to establish the nuns in spiritual life: an office which brought great benefit to all the nuns, who required her counsel, and from which she herself received great solace for her soul. The greatest joy of her soul was to receive this office; for it was to her a constant opportunity to serve her beloved. But perpetual contemplation, as Mary served her Spouse, would not allow her to neglect her duties; therefore, it was necessary for her to return to her former office of Mistress of Novices.

[*Latin ed. p. 439*]

FROM THE SACRED CANONS 439: The examples of holy women and the monastic virtues flourished marvelously in the Marilian cloister; and observing that the Baron, the lord of the place, was an enemy of all good things, he stirred up persecution against the monastery, so that, as a Bishop, he sought to have the cloister suppressed. Thus, the holy woman, having been unjustly expelled with great sorrow, followed the counsel of the Mother Superior, and, together with two other sisters, took refuge in the monastery of Scala, which Father Falcoia had recently founded. Upon arriving there, they humbly requested permission to resume their novitiate. When it was also revealed to her, who observed the rules of Scala and was not yet twenty years of age, that she was divinely called to found a new monastery, and that the rules should be written by her, the humble virgin, doubting herself and fearing the artifices of the devil, hesitated, and, during the absence of the Mother Superior, she revealed her perplexity to the novice mistress, who, after offering thanks to God, urged her to obey the voice of the Lord. Then, after forty days, having afflicted her body according to a divine command, so that she scarcely ate anything but bread and water and some fruits, she began, under divine inspiration, to write new rules, dedicating one day to this task, after receiving the Holy Eucharist. These rules were then sent to Father Thomas Falcoia, the spiritual Father of the monastery of Scala, who had recently returned to Rome. He at first received them with some hesitation, fearing that the holy woman might have been deceived by hostile fraud; but he soon changed his opinion, especially after, at a consultation with certain theologians in Naples, they unanimously judged that there was an admirable work of God in those rules. When the new rules were made known to the nuns, and they embraced them with enthusiasm, it is scarcely credible how much opposition arose against the holy woman. The common people said that she had been too presumptuous, that she had been deceived by a diabolical trick, and that she suffered from a weakness of mind. She was cast into the monastery dungeon, as if into a prison, and was excluded from all intercourse and consolation. The Mother Superior, acting as princess, turned away from the holy woman; the spiritual Father averted his spirit from her; and even Saint Alphonsus de Liguori expressed a very serious opinion about her. But after a careful examination, after questioning the holy woman, and after

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considering the whole course of her life, she was found to be...

[*Latin ed. p. 440*]

440 From the Sacred Council, it is deduced that the sentiments concerning the rule were, in truth, inspired by the Divine Spirit, when those rules were written. Furthermore, the Matron, having revealed her innermost thoughts to the Servant of God, declared that she had been divinely illuminated; then, a certain foolishness, in order to confirm the heavenly origin of the rules, was recalled to the mind of the Servant of God through the prayers of the Servant of God. Suddenly, a great change occurred: that novice, who, as we have already demonstrated, had been the one who had encouraged the writing of the rules at the beginning, now suffices for the office of Matron; at the urging of St. Alphonsus, and with the unanimous will and joy of all the nuns, on the feast of Pentecost in the year 1731, the new rule was received, and all solemnly professed it. This was also a confirmation of the divine inspiration, for when the book of rules, written by the Servant of God, was presented to the Matron, Falcoia, and she was asked to return it, she, led by the force of obedience, although she felt herself to be unequal to the task, was able to write the rules again without any difficulty. But God did not allow His Servant to enjoy tranquility for long, for her virtues would be confirmed by more severe trials, and would become most clearly apparent to all. He had foretold to St. Alphonsus that a certain man of the Congregation, founded by the will of God, would be named after the Most Holy Redeemer. There was, in the monastery of Scala, a certain novice who, being deceived, was deceiving the Matron, Falcoia, with her words, saying that it was not Alphonsus, but someone else, who would be the future superior of the Congregation; but this had been revealed to her by divine inspiration. And so it happened that Falcoia was seduced by the counsel of that novice, and, in addition, the warnings of the Servant of God brought the Matron to her senses. Thus, the divine will manifested itself, directing her spiritual life in such a way that the guidance of the Matron would suffice for her. From this, such great anger arose in the heart of Falcoia that it stirred up the entire monastery against the Servant of God. She was again thrown into prison; no care was given to her; she was even forbidden to speak with her sisters. Brought before the general assembly of the nuns, and at the urging of Falcoia, she was asked to take an oath that she would abandon that direction. When she refused to do so, because it was not pleasing to God, a sentence was pronounced for her expulsion from the monastery of Scala. But the greatest harm that came to the Servant of God was that her divine Spouse...

[*Latin ed. p. 441*]

From the Sacred Ritual, number 441, it is seen that she was abandoned

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by those who had previously shown her affection, and deprived of all comforts. When these things were reported to the father of the Servant of God, he sent his son, whom we have called Scalia, to retrieve his sister. Then, the heroic virtues of this woman shone forth in a remarkable way: for, covered in a simple garment (for her own clothes had been taken from her), leaving the monastery with her two sisters, for whose benefit she had expended so much labor and endured so many hardships, she embraced her harsh companions with the utmost gentleness, kissed the hand of the superior, begged forgiveness from all, and commended herself to their prayers. Thus, having been cast out from the monastery amidst great shame, she was received into the home of the parish priest of that place, her family, and offered hospitality. Afterwards, guided by letters from her father, she traveled through pagan lands to Nuceria. There, she was kindly received into the monastery of the Most Holy Trinity, where the nuns recognized her and, after the superior had renounced her, they guided her on the path of perfection. There, the divine Bridegroom consoled her, and taught her that He was reserving her for this purpose, to lead a great number of souls to eternal salvation. Understanding that she was not meant to remain in that place, she continued her journey. She arrived in Nuceria with great expectation on the part of all, especially the Bishop, who had entrusted the Servant of God with the task of reforming the institutions for orphans. She received gifts, acquired the necessities of life, and finally returned the borrowed clothes. Moreover, she was received with the utmost kindness and obedience by the nuns, so that it soon became evident that that monastery, which had recently been an offense and a scandal to the city of Nuceria, would become an example of all virtues. Therefore, the name of the Servant of God was celebrated everywhere, and her fame spread far and wide: and many prelates and magistrates of cities, especially the Bishop of Perugia, urged her to establish new monasteries, or to restore the discipline of existing ones. However, she remained in Nuceria for six years, under the guidance of the Reverend Bernardini, a man of great piety, with whom she discussed plans for founding a new monastery, according to the will of God. For the time had come to undertake this task, to which the Servant of God had long been called by the divine Bridegroom, and she was being prepared, through many trials and tribulations, as a soldier for battle. While many were eager to draw the Servant of God to their cities, N-

[*Latin ed. p. 442*]

442 FROM THE SACRED RITUAL. The Reverend Joseph, a Canon of the city of Tortora, desired to found a monastery. Since he had no daughters of his own from whom to provide for the establishment, he implored the Servant of God, Mary, to assist him, so that she might provide for the needs of the monastery and undertake the task of governing the new institution. She, having received this request, and indeed a warning from her

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heavenly Spouse, did not disregard it, but, with great sorrow, left Nuceria, accompanied by a large number of young women, the Bishop, and the entire populace. After having completed a journey, rapt in divine contemplation beyond all earthly concerns, she was received with great joy in Foggia, and on March 9th of the year 1738, she solemnly inaugurated the new monastery; and then, on October 4th of the following year, she presented herself with twenty-five young women to establish and govern the monastery. But alas, afflictions and anxieties arose: for the aforementioned Canon of Tortora had not provided everything that was necessary for the founding of the monastery, and he had done so with great diligence. Then arose lamentable voices, that the young women in the new monastery of the Most Holy Savior were lacking in all necessities, and were suffering from hunger; and it came to pass that the young women were about to abandon the monastery, and only six of them remained with the Servant of God. She patiently endured all of these things, and, forgiving those who were the authors of their troubles, she lived for approximately seventeen years in the city of Foggia and in the monastery of the Most Holy Savior, until it pleased her Spouse to call her to Himself, and to bestow upon her the crown of heavenly glory. Concerning Virtues in General. That the Servant of God was endowed with all virtues, and exercised them in a heroic manner, as the words of the Reverend Mother Mary Theresa Spinelli, the present administrator of the monastery of the Most Holy Savior in the city of Foggia, attest: for she accomplished such wonderful things, that they bear witness to the possession of heroic virtues. And indeed, the Servant of God diligently obeyed the precepts of God and the Church: she faithfully observed her religious vows: and she never did or said anything that would be contrary to religion or reverence for God and the Saints. In her actions, she was upright; in her speech, chaste; in her admonitions, prudent; and she so sanctified the manners of those around her through her holy sermons, that she constantly gave glory to God, and she was a perfect example to all who saw or heard her.

[*Latin ed. p. 443*]

From the Sacred Ritual, number 443, she offered an example of sanctity. She led a segregated and secluded life, finding delight therein, and she never spoke with anyone except those who were part of her counsel, or those who were to be led to the love of God. However, she never neglected the practice of virtues, nor did she diminish in any way from her former zeal; rather, she progressed daily in holiness, and her love for God, which burned so brightly within her heart, consumed her life so quickly. Furthermore, her heroic virtues are confirmed by the fact that she practiced them readily, easily, and joyfully; and that these virtues surpassed the common measure, and were all joined together in a single line, without any fault; so that her soul, as it were, having cast off its human nature, appeared to equal

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the angelic spirits. This is easily demonstrated by the fortitude with which, although she suffered from a weak constitution, she resisted so many contradictions; by the perseverance with which, although she was afflicted by many sorrows, she constantly performed good works; and by the joy with which, despite all the insults she received, she led a most innocent and most holy life; so that her heroic patience aroused the admiration of all. This heroic degree of the virtues of the Handmaid of God is confirmed by the rules established, because these rules aim at nothing other than the practice of virtues; and by the opinion that has been passed down among the people, among whom were those who excelled in sanctity and in doctrine, that the Handmaid of God was the example of all virtues. This fame of her heroic virtues, transmitted to us through a continuous tradition, is still preserved among both the uneducated and the learned, and flourishes.

On Heroic Faith. Faith is the foundation and condition of all virtues, for without it, the others cannot exist. For by this virtue, we submit our intellect to God, as to the highest Truth, from whom all other truths flow, as from their source, and we declare Him to be our beginning and our end. It is clearly evident that the Handmaid of God was adorned with this virtue in its heroic degree, by the constant adherence she showed to her divine Spouse, by which she often lost the use of her external senses, and by which she became incapable of performing almost all duties, as we have seen; yet her soul, as it were, having cast off its mortal body, seemed to live a heavenly life on earth.

[*Latin ed. p. 444*]

444 FROM THE LIFE OF THE SAINTS. Since dead faith is manifested by works, it is evident that the works of this woman were intended to demonstrate her faith. From the remarkable and wondrous things that the Handmaid of God accomplished, it follows that her faith was exceedingly great and heroic. We have already mentioned that we were delighted by the account of the love of God, drawn from the lives of the Saints; but from this, she dedicated herself entirely to piety, to divine contemplation, and to the service of the world. The vehement sorrow of her soul, with which she lamented the frail and insufficiently considered errors of her youth, testifies to the strength of her faith. Illuminated by this vivid faith, she severely restrained her desires, devoted herself entirely to God and her neighbors, and burned with such charity that she desired to die for Christ. And how could this love and longing, with which she approached to taste the Body of Our Lord, have arisen, except from her faith? How could she have endured the spiritual desolations and the most grievous temptations, unless she had been helped by the firmest faith? Even in those things which she did for the benefit of others, her faith shone forth greatly. For she instilled the love of God in all hearts; she encouraged all those who came to her to cultivate virtues, and she kindled in those who heard her

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sermons a love for God. Moreover, the faith of the Handmaid of God was evident in the zeal with which she led her sisters in the monastery towards a perfect life, in the constant pursuit of the glory of God and the salvation of souls, in the diligence with which she sought to reform the customs of the monastery and to restore the observance of the rules. She was not deterred by opposition, nor by the most cruel persecutions; even those of Saint Alphonsus who were misled, were not moved by the severe reprehensions that were made against her holy endeavors; for she believed that God, in whom she trusted, knew that these things were being done with His grace and guidance. Finally, she determined to found a monastery, solely for the purpose of promoting the glory of God and the salvation of souls, and to do so without any human resources. She showed her singular faith when she encouraged Saint Alphonsus to found the Congregation of the Most Holy Redeemer, and when she told him that these things were the will of God. And how great was the virtue of this woman, God Himself confirmed it, by generously bestowing upon her celestial gifts, namely, knowledge, the prophetic spirit, constant intellectual activity, the discernment of human hearts, and such a profound understanding of divine things, that her writings almost seem to be divinely inspired.

[*Latin ed. p. 445*]

FROM SACRED CANONS 445, Concerning Heroic Hope. Hope is also to be considered an excellent and outstanding virtue. For it is inherent in human nature, so that we may strive for blessedness, and constantly strive to attain it with all our strength; through the virtue of hope, we are led to the true and unique object of our blessedness, and we firmly trust that we shall possess it. When, having foreseen our future happiness, and having cast aside anxieties, doubts, and hesitations, we live a tranquil life even in this world, relying on this faith, we will be strengthened. The Blessed Virgin Mary most diligently cultivated this virtue, and she constantly fostered it in adversity. Although she was the greatest of all sinners, and unworthy to be received into the heavenly kingdom, nevertheless, she surrendered herself to God with tender devotion, and, firmly trusting in the merits of Jesus Christ, she constantly hoped to attain eternal life. And when Jesus Himself offered her a cup of wine, and forbade her to trust in men, she embraced all her tribulations, adversities, and sacrifices with steadfast gaze, choosing Him as her example and model in all things. Therefore, having placed her refuge in God, she never lost heart in all the difficulties that afflicted her, but, trusting in God in all things, she wonderfully overcame all obstacles. She could never have acted or endured such heroic deeds, had she not been supported by heroic hope in God, which was required of her by her state, by her superiors, and even by her spiritual director. God Himself was pleased with His handmaid, and one day, having spoken with her, He said that He was inflamed with such love for her, that she should

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trust in Him in all things, and not in her own strength or in any human creature. And to His servants, He wrote: "Because you have trusted in your brother with unwavering hope, as a son places in his parents, therefore He was to you a strong shield against all enemies, a defender against all evils, and you have experienced the perfect happiness of your soul." She manifested her unwavering hope to all who saw her, fixing her eyes on heaven, and constantly offering prayers. There is no doubt about the heroic degree of this virtue, by which she overcame all adversities and necessities of life through prayer. For God, filled with blessings, and confounding her adversaries, readily granted her whatever she asked.

[*Latin ed. p. 446*]

446 FROM THE SACRED CONSTITUTION *De heroica erga Deum Charitate* (Concerning heroic charity towards God). Charity, the most excellent of virtues, presents God to us as the supreme Good, and the sole object of our love. And since He has so loved us as to deliver His own Son for us, we are incited to undertake the most extraordinary actions and to endure the most severe trials, moved by His most ardent love. This virtue transforms the weakest of men into heroes; it makes saints. For love conquers all things: and he who loves with all his heart overcomes all obstacles and difficulties, rejects all that is unpleasant, and brings about all that is easy, striving to show his love for the Beloved and to attain His favor. This is clearly evident from the entire life of the Blessed Virgin Mary. From her earliest childhood, she was inflamed with a love for God, with whom she conversed inwardly from that very time. Even when she was still very young, her virtue was so thoroughly proven to her Spouse that she did not hesitate to expose herself to dangers, so that the light of her devotion to Him might shine more brightly. She spent three continuous months in prayer and conversation with Him, and she endured the most grievous disappointments. This spiritual desolation, together with the trials she experienced, so weakened her frail body that she became ill, and the physicians were called to cure her. She, however, who knew the origin of her illness, sought an opportunity to leave the world and to dedicate herself entirely to her Beloved in a monastery. Thus, moved by this charity, at the age of twenty, she abandoned her parents, her family, and all the pleasures of this world, and embraced a religious life, conforming her will to the will of God, and constantly fostering devotion to God for the benefits received, and leading a blameless life. Through this ardent charity, she was granted the grace to be transported outside herself when receiving the Most Holy Eucharist; to be so beloved by God that He weighed the ardent love of His handmaid with the utmost tenderness, and speaking with a loving heart, He called her "my beloved," "my bride." The constant

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charity of this handmaid of God...

[*Latin ed. p. 447*]

From the Sacred Ritual, 447, it is known that she never cooled in her love for God, nor did her zeal in observing the rules ever diminish, nor did that manner of living, almost without interruption, cease. It is not surprising that she abhorred those things which might displease her beloved; for she hated sin, both in herself and in others, so much that she detested even the smallest fault. But what is most to be admired is that her mind, always intent on God, could be drawn away to no other object. Hence, that constant contemplation, and that detachment from the senses; hence, those outstanding gifts with which the Divine Spouse generously endowed her, and that powerful ardor with which she was entirely consumed. With God always before her eyes, she devoted all her life to glorifying Him and His saints. Although she had previously been a spiritual director, and accustomed to devoting half an hour daily to prayer, she soon began to spend more hours each day in prayer, clearly indicating that she could not set any limit to her devotion to God, nor to the delightful conversations she had with Him. So absorbed was she in these contemplations, and so often detached from the senses, that one day, while meditating on the wound inflicted on Christ the Lord, she felt her heart so deeply wounded that for almost a year she was unable to maintain her usual health. From that day, when the image of her beloved, bearing the wounds of the blessed, was presented to her, she seemed to live as if she were already in the world to come, and she began to be delighted by the sweet delights of partaking of the Body of Christ, so that she could not, by any means, separate herself from His company. In receiving the Most Holy Body of Jesus Christ, the handmaid of God sought new signs of love; and therefore, she partook of it frequently, and even daily, as ordered by her director. And she was so devoted to the Most Holy Sacrament of the Eucharist that, in the monastery of Alet, she accepted with great joy the office of distributing Communion; but she adored the Lord so constantly that she forgot everything else. This great devotion to the august Sacrament arose because she saw in it the infinite charity of God towards men; and for this same reason, she also showed the most profound devotion to the Infant Jesus, a devotion which she taught the nuns to follow. Following Jesus, she also venerated the Virgin Mary, whom the handmaid of God loved with the most tender affection, and who, in turn,

[*Latin ed. p. 448*]

448 From the Sacred Ritual, she was called a daughter. Among the Saints of God, she was most devoted to those who more intensely venerated the Most Holy Sacrament of Jesus Christ, and who surpassed others in the love of God, such as Blessed Philip Neri and Blessed Catherine of Siena, whose

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lives she heard about with great devotion even in her youth. Perceiving one Jesus, who had said that He would teach her the way she should go, she placed this title on the account of her life, which she wrote: "Jesus Christ is my life"; and she named the monastery she founded the Monastery of the Most Holy Savior. To foster this love within herself and to inspire it in others, she also composed hymns, some of which still exist, in honor of the Most Holy Eucharist, the Infant Jesus, the Virgin Mary, and other Saints. This great charity was so manifest that it appeared even externally: she was always seen with a burning face, and sometimes her breath seemed to be interrupted, as if by a flame: so that often, when she went out of the temple, or opened a window, even in winter, it seemed that she was tempering the flames of her charity with the cold air. Inflamed and almost consumed by this fire of charity, Mary, the Heavenly, desired nothing more than to be dissolved and to leave this world, not out of despair, or weariness, or disgust with the hardships of this life, but in order to be united with Jesus Christ, and to see the kingdom of sin overthrown. The flame of this love finally consumed her on the feast of the Most Holy Cross, for those who were present at her death believed that she had offered the ultimate sacrifice of divine love.

On Heroic Charity Towards One's Neighbor. Charity towards God is closely linked to charity towards one's neighbor, and indeed, both are one and the same charity: for we cannot please God and obey His will, unless we love our fellow men, whom He created, and for whom He suffered the crucifixion and death. This, according to the testimony of LXIII, was the principal virtue of the Servant of God, since she endured so many grave insults, in order to promote the spiritual good of her neighbors. And this love for her neighbors, which she possessed, was ordered and moderate: she loved people not for their own sake, but for the sake of God, and not in order to seek their affection or praise, but in order to please God. Therefore, this heroic... (the passage continues).

[*Latin ed. p. 449*]

EX S. C. RITUUM 449: Burning with charity, she would visit the sick or those who were most afflicted, so that she might encourage all those she knew to love God and despise worldly things, and so that, appearing to be only a servant of God, she might urge all to abandon sin, praying for forgiveness for herself and for others. She fulfilled this apostolic office with great love for her neighbors; and her words, filled with charity, wounded the hearts of men like arrows, and gently drew them to righteous conduct. This burning zeal for the good of others is greatly illustrated by the things she accomplished in the monasteries where she lived. For after having given the best example of virtue in her own home, she did not spare her efforts in Marigliano, Scala, Amalfi, and Nuceria, to remove scandals, to eradicate abuses, and to reform the discipline of morals. She in-

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vited all her companions, through pious and well-considered instructions, to dedicate themselves to God, and she encouraged them to virtue. How many contradictions and difficulties she endured, how many adversities she suffered and overcame! Though she was sometimes called foolish, ambitious, and surrounded by hostile deceit, and even seized by fanatical fury, she refrained from complaints, forgave her detractors, and blessed those who cursed her; she was even cast out, almost naked, from the monastery, but she embraced her cross and offered a most excellent example of the conformity of her will with the divine. It is also worth noting that, in the monastery she founded, she so diligently instructed her daughters in virtue and in voluntary bodily mortifications, by her example and her teachings, that they became an example for all to imitate. This burning charity for her neighbors extended even beyond the cloister. For when, because of the widespread fame of her sanctity, many came to her seeking guidance in serious matters, or solace in their afflictions, she never turned anyone away: she helped bishops, priests, and nuns, and indeed people of all conditions, with her counsel and her example, and she inspired all to turn to God; she consoled the afflicted, the sorrowful, and the sick, desiring above all that all might attain to eternal blessedness. This love for souls led Saint Alphonsus to found the Congregation of the Most Holy Redeemer, and it is truly remarkable how much power her persuasions held, since they were born of a burning love for her neighbors. And this, as is well known, was especially the case in Nuceria.

[*Latin ed. p. 450*]

450 FROM St. C. A certain man, of noble birth, experienced this: who, with a vain desire to become acquainted with this nun, about whom so much was said, visited the monastery, and was drawn to a better life through his conversation with her. Also, it happened to a certain Mariliani that, desiring worldly things and the empty pursuits of this age, she compared herself to the religious life in a monastery, and, being attracted by the sweet words of the Blessed Virgin Mary, she abandoned the human world and marriage, and dedicated herself to the religious life, and she exercised this with such promptness and zeal for as long as she lived, so that she might pass away in holiness. Such was the charity of the Handmaid of God, and such fruit she bore! On Heroic Prudence. He is called prudent who takes the best course of action, in order to attain the end of his endeavors. And since the ultimate end of man is eternal possession of God, those who seek the paths that lead to this end must possess prudence all the more. Moreover, if those intermediate ends are considered, which are such by nature that they may promote that ultimate end, prudence is also approved in these ends, if men diligently examine whether these intermediate ends truly contribute to attaining the supreme goal; and if they enter upon the most suitable path to attain them. Thus,

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the Blessed Virgin Mary cultivated this most excellent virtue with such great zeal, that she seemed to have attained the heroic degree. In this way, the Handmaid of God showed the most prudent choice, by which she more easily attained eternal salvation, and she devoted her entire life to this pursuit. And since, in all her actions, she constantly placed the glory of God and the benefit of souls before her, it seems to me that this prudence was infused with a special grace from God. This is easily seen from that singular wisdom, with which she always chose the best counselors for her conscience, and with which, in her early years, she separated herself from the world and dedicated herself to God. No less did her prudence shine forth, when, after having confessed all her sins, even the slightest ones, she immediately confessed them throughout her life, and bore the lasting punishments of them. Moreover, she wonderfully demonstrated prudence when, even in her youth, she renounced worldly things.

[*Latin ed. p. 451*]

From the Sacred Rituals, if she had chosen a life of austerity and had set it as an example for herself, and if she had trusted in all things to God, and had sought the counsel of pious and more experienced men, hence, always fearing lest she be caught by diabolical deceit, she took care to rightly discern the voices of God; and this she accomplished most especially when, feeling an inner impulse to write new rules, she wished to be more certain that this inspiration was truly from God. After it had indeed been revealed to her that her Mistress was truly speaking, she cast aside all doubts and hesitations, and, considering all human opposition as nothing, she acted boldly and steadfastly according to the will of God. This was evident both in the writing of the new rules, and in her insistence before St. Alphonsus that a new religious Congregation, founded by God's command, should be established, even though he sometimes rebuked and reprimanded her, and even seemed to consider her deceived. She also showed the prudence of her Mistress in concealing, with great diligence, the gifts she received from God; thus, for example, it happened that, when she was frequently disturbed by sensations, she would pretend to be negligent, and less attentive in her work. Nor did she show less prudence in serving her neighbors with the bonds of charity, and especially with the nuns in her community or those subject to her. She never boasted of the offices she received, nor, as far as she could, did she abuse her authority, but rather she took care to avoid arousing the envy of her companions. She urged them not to make her an example to themselves, nor to perform glorious deeds. When she became more certain, through divine revelation, that she would lose her monastic vocation, and she made this known for the instruction of her spiritual daughters, she nevertheless concealed the name of the nun. To the harsh attacks made upon her by some of her companions, she remained silent and humble; and to St. Alphonsus, who severely reprimanded her

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for these new written rules, she responded by thanking him for having the opportunity to exercise humility. The monasteries, of which she was in charge, she administered piously; she did not wish to accept any gifts from Amalfi, because she knew that it was not God's will for her to remain there. At Nozeroy, she improved the morals of the nuns by her example, her exhortations, and her gentle ways. And this singular prudence of the Servant of God is evident to all.

[*Latin ed. p. 452*]

452 From the Sacred Canons: it is desired that monasteries be established in such a manner that even wise and moderate rulers might approve; and for this reason, she was called to found a monastery. This prudence was possessed by Saint Mary, so that, although still a young woman, she might be chosen for the office of abbess; and so that, as a legislator, she might be obeyed. Having heard of this prudence, many came to her, seeking counsel, and declared themselves entirely satisfied with the advice they received. Concerning Heroic Justice. This prudence of the Handmaid of God stemmed from her heroic justice. For she burned with a great desire to render to God and to men what was due to them; and she diligently sought out reasons, and, with God's help, she found those means by which she could most suitably bring her purpose to fruition. It is not surprising that she attained justice to the very heights of heroism, as all testified; for this virtue, if understood in a broader sense, surpasses and contains all the others. Thus, in the Holy Scriptures, the just are called perfect before God: thus Noah is called a just man (Genesis VI, 9), and in Saint Matthew (I, 19), Joseph, the husband of the Virgin Mary, is also praised with the same name of justice. And first of all, Mary, the Mother of God, showed forth heroic justice towards God. How firm and unwavering was her faith in Him, how completely she placed all her hope in Him, and how ardently she loved Him with all her heart, we have already seen. Therefore, she devoted her entire life to God, from her tender childhood until her death; and she sought to kindle the same ardor of charity in all men. She sought glory not for herself, but for all that she accomplished; and to promote this, she worked very diligently for the salvation of souls: for she burned with the desire that all men, following her example, might render due honor to God, and burn with the flames of divine charity, and serve Him constantly. And this piety towards God was almost visibly inscribed upon her face and body. For, although in a frail body, her mouth was always ardent, and her eyes, gestures, and thoughts were always so intent on God, that she seemed to be able to attend to no other business. She took great care of the House of God: for in it she venerated the dwelling place of her Spouse; whom,

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present in the Holy Eucharist, she embraced with tender love.

[*Latin ed. p. 453*]

From the Sacred Canons, 453: With the sight of God, the Most Holy Mother esteemed above all others the Saints. For it is most fitting that a woman, in obeying God by fulfilling His commands, especially demonstrates justice; and it is scarcely believable that the Servant of God, with a docile spirit, so readily obeyed the voice of her Spouse, submitting to it with all humility, despite whatever obstacles might arise, and that she diligently observed divine and ecclesiastical precepts. But also, in rendering to her neighbor what was due to her, in which the strictest justice consists, Mary, the Heavenly, demonstrated heroic virtue. To these, which have been mentioned above, obedience is due: for the Servant of God readily offered herself to the Supreme Pontiff, to Bishops, and to priests, and, having been placed in charge, she followed the nuns under her care with humble reverence. She loved all equally, and never uttered a harsh word to anyone in her sermons. Rather, she sought to correct the faults of those below her, to inflame them with the love of God, and to lead them to exemplary perfection and holiness; for she considered it a matter of the greatest importance and consequence to serve the salvation of souls. Hence, Mary, in the office of mistress to the novices, first inflamed them with piety, and then, by her example and counsel, guided other nuns towards the path of salvation. And thus, in all the duties entrusted to her, she diligently fulfilled them for the benefit of her sisters; although she suffered many trials, and was affected by cruel objections and injuries, she never uttered a reproach to anyone; heroic in her adherence to justice, she was mistress of herself, restraining her anger, and by that tranquility, and by that patience, she surpassed all that is pleasing to God, by which heroic virtues are especially recognized in men. Moreover, she exercised justice towards herself, when, having the salvation of souls before her eyes above all else, she avoided sin, and diligently sought to enrich herself with great merits. Therefore, she exercised herself in the cultivation of virtues, and, in order to obey the evangelical counsels, she abandoned her parents and the pleasures of this world. And after having entered upon the best course of life, she observed the vows which she had professed, and the religious rules, with a strictness that was most rigid. This was so evident that, when compelled to leave the monastery, she did not even wish to spend the night with her family, and she would not have been received to make her profession in the Marilian monastery, unless first the perfect observance of the rules had been restored there. And whenever she found any laxity in the perfect discipline of the monastic life, she could not rest until she had seen it properly restored.

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This was so perfect –

[*Latin ed. p. 454*]

454. From the sacred rites, we have already understood that the observance of customs is the source and origin of all the trials and tribulations of the servants of God. But in the saints, a wondrous constancy persevered; for, although afflicted by great hardships, whether compelled to remain in a monastery or to go out into the world, they did not find religious life distasteful; but scarcely had they left one monastery when they approached another. For there they hoped to best consult their own salvation; there they could more easily pay the debt of satisfaction for their sins through voluntary afflictions; there they hoped to find that most desirable retreat, where, conversing with religious companions, seeking counsel or direction, they might be withdrawn from distractions; there they could more easily avoid sin, which, even in its slightest forms, they abhorred. Thus, Mary, the Heavenly One, heroically fulfilled all the duties of justice, towards God, towards her neighbor, and towards herself.

On Heroic Temperance. Temperance follows prudence, so that whoever is prudent ought also to be temperate. For we strive to attain the highest good, and we choose the best paths to lead us to it. But there are also other, lesser goods that God has bestowed upon us, and in which men can find delight. Now, it is to be feared that a truly prudent man will pursue these lesser goods so avidly that, driven by the desire to acquire them or to enjoy their pleasures, he will forget the ultimate end. And just as the prudence of the children of God is distinguished from the prudence of the men of this world, because the former, neglecting God, devote all their care to acquiring the goods of this world, while the latter, rejecting worldly things, strive only to possess God and the beatitude contained in Him, so too, in order to overcome the allurements of the fleeting goods of this world, there remains only one aid: that these things, as far as possible, should be hated and avoided; and if they are necessary, they should be used sparingly, and, above all, they should not take the place of the ultimate end, but should serve reason in attaining that end; it is necessary, therefore, that a prudent man should practice temperance.

Therefore, it is not surprising that Mary, the Heavenly One, who, as we have said, lived so wisely and temperately throughout her life, should be considered a model of heroic temperance.

[*Latin ed. p. 455*]

From the Sacred Ritual, 455, she was also endowed with temperance. Indeed, even in her youth, she avoided the company of her equals; and, being already devout, she carefully restrained her senses, and afflicted her body. From these things, it is apparent how much she despised the pleasures of this world from her tender years: while almost all young girls eagerly

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seek out amusements, this young girl, by a novel example, used only a small amount of food, and so corrupted it that it did not bring delight, but rather boredom. It is also remarkable that, even at that age, she showed her temperance by denying her body sleep. After she became a religious, she became even more strict. The Handmaid of God was never endowed with a strong body: and, as her age advanced, and with continuous afflictions, and with excessive vigils, she became so weak that she often seemed to be dead. This delicate and fragile body, however, accomplished much, and was subjected to various trials, to fasts and to penances. She refused delicacies and exquisite foods; she used only the coarsest, and those in very small quantities, only to sustain her life; and, even when eating those foods, she did not allow herself any pleasure, but mixed them with sea salt and wormwood. This meager and unpleasant food she took separately, sitting in an old chair, using her knees as a cushion, and she invited no one to join her. She sought solitude and quiet with great eagerness, and she avoided all amusements and pleasures; she walked barefoot in winter, so that she might resemble Christ; and she allowed her body only a very short time for sleep, and she spent entire nights without sleep, praying before the Most Holy Sacrament. As the virtues are interconnected, and one helps the other, she cultivated humility, modesty, gentleness, and chastity, with such zeal that she surpassed all others; she did this through written rules, through exhortations, and, which is most important, through examples, choosing the best examples for the instruction of her daughters. And thus, the Handmaid of God abhorred pleasures, despised sleep, used necessities sparingly, and kept herself entirely for her Spouse: she sought only Him, and she placed all her delight only in Him.

[*Latin ed. p. 456*]

456 FROM THE SACRED CONSTITUTION *De heroica Fortitudine* (Concerning Heroic Fortitude). For fortitude is indeed a virtue by which heroes are distinguished from other men. Ordinary men are easily deterred by obstacles; but heroes, on the contrary, when faced with obstacles, draw strength from them, persevering tenaciously in pursuing their goal and maintaining their purpose. But the heroes of the world pursue worldly goals, and they exercise their fortitude in order to attain them. On the other hand, the heroes of God show themselves to be most courageous in seeking the glory of God and in striving for eternal blessedness, which is attainable by many, but not by all; those [worldly heroes] are zealous in conquering kingdoms, acquiring empires, suppressing rivals, and overcoming adversaries; these [heroes of God] are zealous in cultivating humility, meekness, charity, temperance, justice, and, in short, all virtues. But the Heavenly Mary, in overcoming all the obstacles that hindered her from achieving her purpose, showed heroic fortitude; so much so that, in terms of patience and fortitude, she was compared to the most holy

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Job. For she was similar to him, in that she endured long-lasting illnesses with a steadfast spirit, and she submitted to all adversities to God, and she did not complain, even when afflicted by enemies, with such great love. Whatever obstacles were presented to her in the exercise of her virtues, she bravely overcame; and she fiercely resisted Satan, who, with his cunning snares, sought to undermine her faith and purity with temptations. He even threatened her, saying that he would perpetrate some evil deed, in order to offend God himself; for he bore the greatest hatred for the Handmaid of the Lord, because she was dedicated to writing for the salvation of souls. And she also endured the most terrible anguish, that of seeing the Spouse she desired, the One she loved, as if abandoned, and, as if deprived of his voice and his sweetness, she became like Christ, who also felt abandoned by the Father. But she constantly endured this, the greatest of sorrows, never allowing her love for the fleeing Spouse to grow cold. And thus, she became so strong in fortitude that she not only patiently endured the adversities, but, imitating the Spouse Jesus, she preferred them to pleasures, and she rejoiced in them. Then also, the fortitude of the Handmaid of the Lord shone forth, when, in her conversations with her handmaids, she perceived that they were attracted to worldly things.

[*Latin ed. p. 457*]

From the Sacred Ritual, number 457, were born. Although, for a time, the force of this event dulled her virtue due to her youthful inexperience, yet, having completed her penance with lighter blame, she showed the strongest zeal in those things which pertained to her salvation. The same can be said of the counsel, which, despite the mother's futile reluctance, entered, so that, in the flourishing of her youth, she might abandon her relatives and the world. But within those sacred walls, which she had so eagerly sought, how harsh were the things she had to endure! For her Spouse called her not to sweetness and joys, but to struggles and torments. Indeed, the handmaid of God, from Alet, and because she was fulfilling her office with severity, as was required, incurred the hatred of the nuns, and especially of the vicars: who, having considered her conscience, devised a plan so that this one, harshly rebuking her, might say that she would be more diligent in twisting the wicks than in pouring out prayers. But this handmaid of God patiently endured all this with an unyielding spirit. But the trial at Scala was even greater in exercising her fortitude. First, because of the rules written by divine command, then because of the ambition of a certain spiritual father, she was deceived, abandoned, subjected to infamy, and expelled from the heavenly assembly, and deprived of the conversations of her companions and her sisters. She was cast into prison: nor were the sick, nor the spiritual fathers, concerned for her in any way: until she was finally led out of the monastery. She endured all these things, the handmaid of God, bravely and perseveringly, she spared everyone, and she did not utter

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a complaint: and while she was being driven out, she asked for forgiveness from all her companions, as if she herself had suffered great harm, she kissed the hand of the mistress: she embraced even the most hostile of the nuns. What could be more courageous, what could be more steadfast, to act or to think? But even these cruel rejections did not spare her. She was immediately forced to leave the city of Scala; she took refuge in Nozeroy, and in Nozeroy she was accused before the Bishop. The handmaid of God constantly remained steadfast in her fortitude and her obedience. But also, while she was living in the monastery of Scala, this most ungrateful thing happened to her, yet she endured it bravely, which was that Saint Alphonsus, whom she vehemently admired for his sanctity, severely condemned her, because he had been led into error: and when she foretold to him a new...

[*Latin ed. p. 458*]

458. From the Sacred Congregation for the Discipline of the Sacraments, to which he had always shown respect and devotion, he received a commission. Even after the new monastery was founded, he exerted himself extraordinarily. The Servant of God demonstrated fortitude in adversity, which was necessary in that place. Indeed, the new monastery was laboring under a lack of resources: moreover, many voices were raised, speaking ill of it, and there were, in truth, illnesses and a harsh discipline that made it difficult to form the girls there. When many of the girls, moved by these voices, returned to their families, it came to pass that only six remained, so that the newly founded monastery seemed almost on the verge of dissolution. However, the Servant of God patiently endured all these things, and, forgiving those who were the authors of these complaints, she displayed great constancy, and she did not wish to relax at all that firm discipline of morals which she had established for the good of the souls. But it is of little use to have chosen the best way of life, unless one perseveres in it until death: in this perseverance also, Mary, the Queen of Heaven, exercised her heroic fortitude. For she faithfully observed her vows until the very last breath of her life. Moreover, she conformed with great constancy to the religious rules in each monastery, and, as far as she was able, she strove to ensure that others observed them diligently. Although she experienced many difficulties and hardships in the monasteries, yet, being compelled to leave one, she did not wish to follow the example of her sister, and to return to her paternal home, although she was earnestly invited to do so by the prayers of her elderly father; but scarcely having left one monastery, she entered another, so that she might persevere constantly until the end in the religious life which she had chosen. Thus, the Servant of God proved herself strong and diligent in exercising all the virtues, both theological and cardinal. De, 1; 1 Concerning the afflictions of the flesh. From the first sin, arose that inclination and consent by which the flesh is willingly subjected

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to the spirit: hence, each of us experiences within himself, as it were, two men, one spiritual and the other carnal. The Apostle himself testified to this experience in his two inclinations, one drawing him towards God, the other towards sin. Hence arose that necessity which requires that man, having fallen into sin, should constantly strive to avoid it, and that he should always be engaged in a spiritual struggle.

[*Latin ed. p. 459*]

From the Sacred Ritual, 459: It is surpassed, and this should be subjected to it, so that it may be subdued. To achieve this, either the body must be carefully restrained, and all its pleasures denied, or, if this is not possible, they must be granted with the utmost moderation. For the more we indulge in pleasures, the more strength our flesh gains, and the more it becomes emboldened in spirit. All the Saints afflicted their bodies with great trials: and among these, the Blessed Virgin Mary deserves to be mentioned, who, as in other virtues, practiced heroic mortification. Indeed, from a very young age, she afflicted her tender body with torments and cilices. When she learned that Jesus had been accustomed to be scourged, she also, at that very time, stripped her feet, and, with loud lamentations, whipped them; and she burned with a desire to imitate the Passion of Jesus. As she grew older, she increased her austerity: for she considered it the greatest hindrance to be able to restrain all her desires through voluntary afflictions, and to perfectly subject her body to reason, so that, although weak and afflicted by constant infirmities, it would not yield in any way. Hence, she granted herself very little sleep, and spent entire nights in prayer before the Most Holy Eucharist; she ate very little; she tormented her body with constant fasts, harsh afflictions, and cilices, and reduced it to servitude, and until her death, she was accustomed to whip herself severely. We have previously demonstrated that she was always most diligent in the observance of the rules, but she added to this severity and torments, which, although she showed them to others, she nevertheless concealed with great care; but she did not do this without the permission of her superior, from whom she obtained leave for everything. Many witnesses have testified that they saw the instruments of her penance, and handled them with their own hands, or at least heard her speak of them: the flagella, the cilices, with which that virgin tormented her body. These cruel instruments of penance were preserved for a long time in a certain linen chest, until, with the passing of time, devotion to the Servant of God diminished, or because the nuns themselves were changed, or because each one took a spiritual director for herself, they were dispersed. These instruments caused the shedding of blood; they were applied to delicate and infirm limbs; and some were for the arms, some for the legs or the sides, and some were even suitable for the entire body. Among these was a certain garment that she wore on her chest, in which were iron hooks and sharp points: and a witness, X L I, saw

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it.

[*Latin ed. p. 460*]

460 From the Most Holy Lady, blood flowed from the wounds inflicted by those spittle-laden blows. And with a brazen instrument, the Servant of God imprinted the Name of Jesus upon her most holy Heart, so that, while enduring grievous torments to her flesh, she might openly manifest that she was ardently the Bride of the Spouse, for whom she yearned. Concerning Heroic Obedience. But although it is the duty of all men to resist, with vigorous effort, the temptations of the flesh, which seek to draw them away from God, for God created all men for Himself, and not for pleasures; nevertheless, some are called to a particular and more perfect way. This, indeed, can happen, either so that through them God may attain greater external glory, as they say; or so that other men, stirred by their example, may be encouraged to undertake greater and more arduous tasks; or so that they themselves may more easily and fully attain to the possession of God, to which we all aspire. Even the most Blessed Virgin was called to this more perfect life, namely, to follow the counsels of the Gospel, and she obeyed her divine Spouse with eager will, as we have already mentioned. For when the angel was sent to her, and he wished, as it were, that she should be the first to witness, that if she, the Mother, resisted, the Lord would not return to the house, and imitating the example of the Apostles, she immediately abandoned all things to follow Christ, whithersoever He might go. Truly, the most chosen soul was endowed with a prompt obedience! However, this obedience, as a virtue, which is especially to be cultivated by those who have professed the religious life, is by no means easy. For human nature, being corrupted, suffers greatly when we willingly subject our will to the will of another, so that we may freely do what seems untimely or inconvenient to us, and abstain from doing what appears to be the best and most useful to us. But the true zeal of the Servant of God so greatly excelled, and was so perfect, that she deserves to be affirmed to have exercised this virtue heroically. And first, as is fitting, she obeyed promptly: then, when she was commanded to manifest the heavenly gifts received to the nuns, she knew that cruel insults would be hurled at her; then, when with Saint Alphonsus...

[*Latin ed. p. 461*]

From the Sacred Rituals, number 461, it is foretold that she will be the future foundress of a new Congregation, and to this end, she was encouraged by exhortations, although she was met with opposition and was considered to be in the wrong place; then, although unlettered, to the point that she could scarcely write, she began, at God's command, to compose new rules and other spiritual writings; then, she was commanded to live a life of complete chastity, a thing which the most humble virgin greatly abhorred;

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then, she was commanded to enter a nunnery and to devote herself to its reformation. She also obeyed God when she was commanded to found a monastery in Fodi, a new place. However, she followed the instructions of men with such eagerness that she became an example of obedience. Even as a child, she obeyed her parents most diligently; and she humbly followed the instructions of her superiors at all times, especially during the time of darkness and anxieties, when, being tormented by fears and spiritual torments, she considered herself unworthy to receive the heavenly food, from which, however, she never abstained, in order to obey her superior. After she embraced the religious life, in order to faithfully fulfill the promises which she had made to her Spouse, she loved the state she had undertaken above all things, and she never, even under the most difficult adversities, desired to return to her father's house; but, being a most diligent student of the rules, she cheerfully endured all the insults and affronts that we have mentioned. She humbly subjected herself to the authorities of the city, the diocese, the Bishop, and other ecclesiastical administrators; and in all the monasteries, to the superiors, the confessors, she yielded as to God Himself. When she was commanded, although innocent of all harm, to confine herself in a prison, she obeyed the command. When she was commanded by a certain Marilian, the director of a monastery, and then by an Ascolan, to abstain from receiving the Most Holy Eucharist, she silently obeyed this harsh command. She humbly accepted and diligently fulfilled the duties that were entrusted to her, and she assisted her neighbor in councils, excelling in all things and yielding to them with the utmost obedience. Finally, she did everything for the sake of obedience, and she sought the glory of God through obedience. God also willed to illustrate the heroic virtue of His handmaid through miracles. For, after her death, she was commanded by Pope Benedict, the spiritual director of the monastery of Fodi, to sign the crosses, and her body immediately obeyed this command.

[*Latin ed. p. 462*]

462 FROM S. C. RITUUM concerning Heroic Poverty. Since men are constantly urged by an unquenchable desire for happiness, it easily happens that, in order to satisfy their desires, they seek riches with excessive zeal, and, while pursuing this, they are removed from the true and only object of their beatitude. Therefore, it is necessary that men, if they wish to preserve order, direct their minds away from riches, and use them, not as an end in themselves, but as a means by which they may strive towards their true end, and embrace poverty, at least that which is called spiritual. And those who are called to a more perfect life are commanded to completely remove that great obstacle which usually arises from riches, that is, to renounce all their possessions and relinquish the pursuit of wealth. Therefore, the love of poverty is a virtue that great men must cultivate, if their ultimate goal is to be attained: a virtue which the most heavenly Queen, Mary, could

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not surpass. Indeed, she loved poverty greatly from that time when she lived in her father's house, wearing simple garments and detaching herself from worldly things. Moreover, abhorring riches, she gave an example of heroic practice of this virtue, especially after she entered religion, when she made the vow of poverty. This vow, which the Marists now call the "vow of poverty," she observed with the utmost diligence, so that she wore humble garments and ate the most simple and modest foods. And she remained content with this state of poverty until her death, and it never happened that she longed for her father's possessions, nor did anyone urge her to acquire wealth, although sometimes she seemed to be compelled by necessity to acquire something. And she loved the virtue of poverty so much that she proclaimed it and extolled it with praises, and encouraged other nuns to love it: and while other people, when they are in need of necessary things, are greatly afflicted with sorrow, she, on the contrary, rejoiced as if in prosperous circumstances. Thus, she rejoiced in the Lord when she was expelled from the monastery, stripped of her clothes, and forced to wear borrowed clothes. And because she loved the poverty so much that she preferred to enter the monastery of Suasa, rather than her father's house, where she could have lived more comfortably, she rejoiced, and she was glad that she was forced to receive alms, so that she could buy a simple straw mattress and some other poor necessities for her life.

[*Latin ed. p. 463*]

From the Sacred Rituals, § 463, she diligently sought what was necessary. And the Lady was also delighted by poverty, as she labored in the house, which was still precarious, lacking all necessities, along with her students. She also inspired in them the same love of charity. For when those parents and relatives urged her to abandon the monastery, lest it be consumed by infamy, she, Maria Caelestis, with a firm spirit, resisted, so that her students, moved by her words and example, preferred to remain with her and willingly submit to poverty. Thus, the Servant of God demonstrated the love of poverty, when, having been cast out of the monastery with great contempt, possessing nothing, she neglected to seek the dowry that had been promised to her. But she drew this love of poverty from such a source, that she sought only God, and loved Him alone, and therefore despised all worldly things!

On Heroic Chastity. (1) The worst of all the original effects of sin are the impulses of the flesh. For man is offended by a certain blindness, and the divine image, imprinted within him, is somehow weakened and diminished, and the seed of Adam becomes like the seed of beasts. Therefore, the more the flesh is restrained in its desires, and the more its impulses are curbed, the greater the spiritual strength it gains; and the more the soul ascends to God, the purer it becomes, and the more ardently it is inflamed with divine charity. Therefore, since Maria Caelestis burned with such fervor of charity

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throughout her entire life and time, that she even died consumed by it, it is rightly said that she was most pure and most chaste.

Indeed, the heroic virtue of the Servant of God shone brightly in guarding her virginity and cultivating chastity, even from her earliest years, since she loved chastity above all else, and never committed any fault in thought, word, or deed. This was the principal of all her virtues; to preserve this sanctity, the Servant of God proposed to herself. And when, as a young girl, she feared that she had stained her virginity with a slight blemish from some dishonorable words of certain servants, she wept bitterly, confessed her faults, and chastised her own body. She was so severe that, even in her childhood, she never kissed anyone, not even those most closely related to her by blood. But scarcely having completed her seventeenth year, she was still in...

[*Latin ed. p. 464*]

464 From the Congregation of Sacred Rites, with the consent of the moderator of conscience, she made a vow of perpetual chastity. Afterwards, having entered religion, she solemnly confirmed this vow; and she fulfilled this obligation with such fidelity to her heavenly Spouse, that she was often seen approaching the altar, and it was said that she enjoyed the fragrant perfumes of divine purity. Therefore, it is not surprising that the Servant of God readily spoke of the excellence of this virtue and of the blessedness of those souls who possess it, nor that her writings exude the purity of her soul. For the heavenly Spouse Himself provided guidance and counsel in the cultivation of this virtue, so that she, living before Him, seemed like an angel of Paradise, and was called by the name of purity, or was addressed as His beloved Spouse: and He showed His affection for her, saying that He had buried Himself in her.

On Heroic Humility. Since all virtues are so closely connected with one another, that no virtue can perfectly exist without the accompaniment of others, humility seems to be most closely bound to wisdom and justice. Wisdom reveals to us the truth that all that we have comes from God, and that these things are freely given to us: and justice leads us to give to God what is His, and not to attribute it to ourselves. In this, humility is clearly demonstrated, when we refer all the good things that are in us to God, and therefore, since they are not our own, we do not glory in them. This excellent virtue, which is firmly founded and yet is so rarely found in all its perfections in human beings, was cultivated by the Virgin Mary in a remarkable and singular way. For in her thoughts, her words, and her actions, throughout her entire life, she showed herself humble and modest; indeed, this virtue surpassed all the others in her. She loved it above all others; she urged her children to practice it, and as if in a testament, she left behind writings that exude the fragrance of this virtue. Therefore, there can be no doubt that the Servant of God attained the heroic degree in this virtue,

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as is still preserved in the tradition of the monastery, as will also become clearer from what will be said. Thus, the Servant of God attributed all the virtues she possessed and all the good works she performed to God; and she received praise and approval.

[*Latin ed. p. 465*]

From the *Ritual*, number 465, she, as if she owed it, vehemently repelled [offers of honor], saying that she was unworthy of praise, the last of the handmaids of God, and incapable of receiving such benefits. She attributed to herself whatever evil she perceived in herself, and, acting in this way, she demonstrated such humility that she openly called herself a sinner, and on one day, while she was still living in the world, she confessed all her sins with great sorrow, before all those present in the temple. In this, too, she showed her humility, because whatever she received, whether it was food or drink, she always earnestly requested, so that when she entered the monastery of Scala, after having been compelled to leave the Marian Sisters, she asked if she might renew her novitiate, and she obtained this through humble prayers. From these honors, she refused those that some might have bestowed upon her above others; but if she accepted any service, compelled by obedience, she performed it in such a way that she treated those subject to her as equals, and she did not boast of her virtue, but considered herself the least among all the handmaids, and the very last of all. Those who have attained the heroic degree of humility strive to imitate the Divine Master more closely, not only enduring humiliations patiently, but also loving and desiring them, and rejoicing in them, as if they were a certain second fortune. This is especially to be admired in the Servant of God; for she was subjected to humiliations, adversities, and the most grievous injuries, by which she could become more like her beloved Spouse. She rejoiced when, at the urging of St. Alphonsus, she was assigned to work for the foundation of the new Congregation, which was pleasing to God, even though she was deceived, and, having abandoned arrogance and fanaticism, was rebuked and scorned. She rejoiced when, in the Sodality of Scala, she was treated with hatred, contempt, and insults by the conscious moderator, the Scalan vicar, and when she was publicly reproached and subjected to the harshest punishments. She rejoiced when she was ordered to segregate herself from the other religious, to abstain from meat, to wear a rope around her neck, to confine herself in the dormitory, as if in a prison; and finally, when she was expelled from the monastery, even stripped of her habit, to the greatest shame. In all these things, the Handmaid of God rejoiced, and, informing her confessor of what was happening, she wrote that these things were happening to her because of her

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unworthiness. *Acts*, Volume XXXIV, section C, page V, 30.

[*Latin ed. p. 466*]

466 From the Sacred Canons of the Council of Trent: It is also characteristic of a humble person that whatever good and praiseworthy thing they possess, they should try to conceal and hide it from others. But how differently did the Blessed Virgin Mary act! For she diligently concealed the voluntary sufferings with which she afflicted her body, and, lest she be discovered by others for too long, she kept this a secret, as if in childhood, so that she might rise at night, interrupting her sleep, to pray to God. Moreover, in order to have more freedom to converse with her Spouse, she sought solitude, avoiding conversations with others; hence, the office of doorkeeper, to which Mary was chosen, she accepted with an unwilling heart, and laid it aside with great reluctance. But those marvelous gifts, with which her Spouse frequently manifested his love for his bride, were a source of great concern to her. For nothing could have been more distressing than to be seized by such extraordinary transports of emotion; then she would pray to her brothers, lest they reveal that they had seen her so transported, or, confident that she could conceal it, she would hide herself and play with her companions, often calling herself a sinner and unworthy of God's gifts, and, through negligence in her words, she would easily be distracted from matters of importance. It is also worth noting what happened to Mary, that when she was working with other nuns in the divine offices, feeling that her life was being called to heaven by Jesus, she left her seat and withdrew to her room, where she lay down on her bed, so that she might be thought to be suffering from bodily pains, rather than from spiritual joys. Thus, with such a heart, did she conceal the heavenly gift! And if, in the commentary which she herself composed, and in other writings concerning these matters, she spoke of these things with an unwilling heart, in order to obey the command of God and the authority of her confessor, then obedience overcame humility; but she narrated these things not as if they had happened to her, but as if they were something that had been pleasing to God. So great was the humility and modesty in the soul of the Handmaid of God, with which she was especially precious in the eyes of God! For God looks down on the proud, but lifts up the humble. Therefore, it is not surprising that the Blessed Virgin Mary was endowed with so many spiritual gifts, and that she was so generously given them; and of these, we must now speak. Concerning the Supernatural Gifts of the Handmaid of God: Already in her youth, the Handmaid of God was endowed with spiritual gifts; among these, the gift of prophecy is foremost, for her prophecies were clear, and were confirmed by events. From this...

[*Latin ed. p. 467*]

According to the Ritual, number 467, it is most celebrated that Saint

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Alphonsus accomplished this, and which we have already touched upon several times, concerning the foundation of the most holy Congregation of the Redeemer. For, when the Servant of God was at supper in the refectory on the third of October in the year 1731, suddenly, and without any warning, Jesus Christ, accompanied by Saint Francis of Assisi, whose feast day was to be celebrated the day after, appeared to her, and made it known that He wished a new Congregation of men to be established, governed by the same rules that He Himself had dictated, and He showed her a multitude of men diligently concerned with the salvation of souls, among whom was Saint Alphonsus, who was indicated as the future head of the Congregation. She recounted what she had seen to the confessor, who informed Saint Alphonsus of everything. However, being endowed with humility, he could not believe that God had chosen him for so great a work, and he rebuked the Servant of God. But when he had clearly and sincerely heard her account, he was compelled to believe, and, having prematurely considered the matter, he offered his faith. Overcome with great anxieties and disturbances, he could not find rest until he had begun to put into effect what had been commanded to him by God through the Servant of God. We have recounted this according to the testimony of Sister Maria Theresa Spinelli, of the monastery of the Most Holy Savior in the city of Piacenza, who is the moderator, and who is a witness. Furthermore, it is permissible for us to add the testimony that, when the cause for the Beatification of Saint Alphonsus was being introduced, Father Anthony Maria Tannoja, consulter for the Congregation of the Most Holy Redeemer, and the author of the history of Saint Alphonsus, was able to learn from the prayers of the founder himself. "Indeed," said Father Tannoja, "the cells [in Seala] of the aforementioned conservatory, which were being used by the Servant of God, and which, as she was inflamed with love for Jesus Christ, wished to be used for sermons; and the Servant of God did not fail to console her. She also wished that spiritual exercises be held there; but the Servant of God promised for the following years. Then he returned with only Father John Mazzini to help with the confessions, and he gave the exercises; and it is almost unbelievable the fervor that was aroused in that sacred place, and the great fruit that was obtained from his sermons. Father Mazzini told me, and others have also told me, that at that time there lived in that conservatory..."

[*Latin ed. p. 468*]

4-68 FROM THE SACRED RITUAL. A religious woman, greatly favored by God, had seen, in her spirit, what would come to pass. The Spirit of God had inspired the Servant of God, and He had made it known to her that He had chosen her to be the head of a Congregation of missionaries, whose sole purpose would be to assist souls who live in abandoned places in the countryside. The religious woman communicated this vision to the

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Servant of God, just as she had seen it in her spirit. He, considering her miseries, did not fail to reproach her, considering her vision to be fanciful and full of self-importance. But at the same time, he felt a certain fervor within his soul, and he was increasingly animated by such a work, and he struggled with the Servant of God, between distrust of his own powers and what God could accomplish, and what He could desire from his ministry. Having retired home with his companion, the priest, Don Giovanni Mazzini (who was in the church when the Servant of God was conversing and, it seems, arguing with the religious woman), he said to him: "You have been heard arguing with the nuns: do you think this was a matter for confession, because you were raising your voices?" "What confession!" replied the Servant of God. "A nun was trying to persuade me that God does not want me in Naples, and that He wants to give me a Congregation of missionaries dedicated to abandoned souls. Who am I?" "And if God wills it," said Mazzini, "why not?" "And where are your companions?" rejoined the Servant of God. "Here I am," said Mazzini; "I am the first, and I will follow you." This conversation with Mazzini, whom I, being young, heard recount everything, greatly encouraged the Servant of God. At the same time, Monsignor Falcoja, who was the Bishop of Castellammare, happened to be in Scala. He was a man, as everyone knows, of proven doctrine and sanctity, and very enlightened by God in spiritual matters. The Servant of God did not fail to confer with Falcoja, and with Monsignor Santoro, the bishop of the place, who was also a man of great virtue. And both of these eminent prelates, having matured and examined the matter, which was so grave, and being enlightened by God, said that it was God's will, and that there was no deception. They also said that the religious woman was too dear to God, and that she should not be surprised to be favored with supernatural things; but that the work itself was for the glory of God and for the great good of this kingdom of Naples. The Servant of God was so encouraged by these two prelates to undertake the work that, first, Monsignor Santoro offered himself as a collaborator for the founding of the first house in his own city of Scala.

[*Latin ed. p. 469*]

From the Sacred Rituals, 469: The godmother, Tannoj, is in agreement with Father John Mazzini, who was the principal author of the founding of the Congregation of Saint Alphonsus. Also in agreement are Brother Alexius Pollio, Canon Ignatius Fusco, Father Paschal Caprioli, Brother Leonard Cicchetti, Father Gaspar Cajone, Father Lawrence Nigro, Father Peter Volpicelli, Father Dominic Corsano, and Father Deodatus Criscuoli. From this, it is clearly evident that in no way can it be doubted that the Most Blessed Mary foretold the founding of the new Congregation to Saint Alphonsus, and that through his efforts, God used him to spread His will. Moreover, she also foretold other things to others. While the Servant

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of God was alive, she had two young women in her presence, one of whom showed a strong inclination towards a religious life, while the other, devoted to worldly things, was inclined to remain in the world. But the Servant of God foretold that the former would become a nun, and not the latter, which was confirmed by events. She also foretold to a certain nun of Scalensa that, after a period of mental distress, she would recover; and indeed, she recovered! She foretold to a certain nun in Fodiano that her prayer would be heard. And indeed, after the death of the Servant of God, the nun left the monastery. She foretold to a bricklayer that his wife, who was ill, would soon recover from her illness. And this also came to pass; for the sick woman recovered after a short time. Moreover, God bestowed upon her the gift of discerning hearts. She showed to a certain young woman, who was about to abandon her religious vocation, and to other daughters of her family living in the Fodiano monastery, hidden things that they did not know, revealed by the Most Blessed Mary. To the abbess of Scalensa, who was very hostile to her, she revealed her thoughts and hidden feelings with such clarity that her will was completely changed. And in Nuceria, when a certain young man, who was living a dissolute life, came to her, she saw a vision and immediately recognized his perversity and excesses, and she revealed them to him with such force that he was led to cultivate virtues, so that the young man returned to a life of chastity, and afterwards always wished to follow the counsel of the Servant of God. But what is most remarkable is that she never lost the habit, which held her soul in darkness, of not devoting herself to any worldly affairs.

[*Latin ed. p. 470*]

470 FROM THE SACRED RITUALS: Indeed, while she lived on earth, her soul and, very frequently, her senses were drawn to heavenly things. For, as witnesses unanimously affirm, she was very often, and almost constantly, absent from her body. Saint Mary, being devoted to the sacred duties, was so often transported beyond the senses that she was unable to perform her duties. And on that day, as we have narrated, seized by a stronger charity, so that she might avoid the gaze of her companions, she withdrew to a cell in the temple and, being there deeply transported beyond the senses while contemplating the surpassing beauty of the heavenly Bridegroom, a ray emanated from the divine Heart and pierced her heart, so that afterwards the Handmaid of God was deeply afflicted by pain. And while she tasted the heavenly joys, her companions, fearing that she would not return, repeatedly and in vain shook her, as if she were dead. Finally, being brought back to herself, she was found to be suffering from a fever, and was weaker in health than she had ever been before. On another occasion, she remained absent from her body for several hours, while Jesus commanded her to work on the founding of a new monastery. And it happened that, while she was urging the builders to complete the work,

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she was very often absent from her body, and her daughters were forced to bring her back to her senses. How often, however, the heavenly things were revealed to the Handmaid of God, it is impossible for us to say. Now, we will add a few things. Jesus Himself showed Himself to Saint Mary: and once, she saw Him as a priest, while He was adoring the most holy Sacrament, which was being brought to a sick person. On another occasion, while she was intending to publicly adore the most august Sacrament, she saw the most holy Host transformed into a cross of stars, which signified both the tribulations through which she would pass, and the glory that awaited her in heaven. Also, on another occasion, Jesus Christ foretold to her the future afflictions that would befall her, and, knowing this, she left us, comforted by Jesus, who made her rest upon His breast. And when afflictions and torments raged, Jesus appeared again to the most innocent Virgin, and embraced her very tenderly with His sweet consoling words. On another occasion, Jesus appeared to her accompanied by a great host of angels, and appointed the most holy Virgin Mary as her mother, and Saint Catherine as her spiritual teacher. Also, on another occasion, she saw a tumultuous throng of souls, which would be saved through her works and labors. And on another occasion, while a priest was celebrating the sacred...

[*Latin ed. p. 471*]

From the Sacred Ritual, 471: To extol the offering of Christ to the faithful! Jesus, desiring to adorn His bride with bridal garments, explained the meaning of these garments; and He commanded that this vision be painted in linen, which is still preserved in Foggia. God willed to illuminate His Handmaid with supernatural knowledge. Indeed, all witnesses unanimously affirm that, although she was ignorant of letters and scarcely knew how to write, she could not have written the books she produced unless she had been aided by a divine influx of knowledge. Furthermore, from her earliest youth, God bestowed upon her an understanding of the Sacred Scriptures. She was also endowed with a divine gift of counsel; and not only did she give direction to those who sought her counsel, but even those outside, of whatever sex or condition, would come to her, and her counsel was always proven to be salutary by its results. Concerning the fame of sanctity in the life of the Handmaid of God. Since the Handmaid of God was endowed with those most excellent virtues which we have demonstrated above, and since God visibly bestowed upon her a spiritual grace, it is not surprising that she was rightly and deservedly held in veneration by all, from her childhood and throughout all the time of her life. For when men and women saw the little girl eagerly listening to the stories of the Saints, who excelled in charity among all, and already imitating their voluntary sufferings at that age, and seeking her out so that she might help them with prayers and the practice of virtues, and

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receiving the Holy Sacraments with such piety; they could not contain themselves, but conceived a certain veneration for her, and considered her to be a saint, and said so. Moreover, they marveled at her sanctity in her youth, when she repeatedly made amends for her childish faults, and afflicted and weakened her body with frequent fasts; when she frequently withdrew herself from bodily sensations to contemplate the most holy Sacrament; when she publicly and with great tears confessed her sins, and her wickedness, which she committed before the eyes of God. The best opinion of her sanctity followed her constantly, from the Neapolitan city where the Handmaid of God was born, through all the cities and monasteries in which she lived, and from the very borders, to the more distant regions, and was spread far and wide, so that it reached not only learned men, but also those who were

[*Latin ed. p. 472*]

472 EX: Concerning the dignity, sanctity, knowledge, and authority which distinguished her above others, she was held in high esteem. Consequently, wherever she went, all experienced great joy and were free from any disturbance of spirit; and those to whom she came were filled with great happiness. It is affirmed that no one in forty-five years has ever seen her express a negative opinion, nor has anyone manifested such an opinion through words or writings. This is because she was also affected by calumnies, insults, and vexations, and this happened so that she might be more like Christ the Lord. Therefore, she vowed greater service to God; for all those who accused her were found to have uttered false calumnies, and those who had persecuted her were compelled to confess it. These calumnies are not comparable to the universal praise that cannot be measured, nor to the brilliant reputation of her sanctity, of which all who knew her testified, among whom were counted the most outstanding men, renowned for their sanctity and doctrine. This opinion of her sanctity was so firmly established from the beginning that the abbess of the Marilian monastery, to whom, according to the pious records of the Servants of God, the improvement of her nuns was very dear, entrusted her, even in her youth and as a novice, with the custody of the gate and the movable possessions: an office which no novice, but always the older and more prudent nuns, had previously held. And after she had made her profession, and was seen to be worthy in all respects as a disciple, she was considered so worthy that she was chosen to perform the duties of a teacher and to be appointed as the mistress of the novices. The fame of her sanctity increased even more: for although certain harsh nuns had criticized her when she was revising the written rules, those rules were nevertheless finally accepted with the wonder of all, and those who had opposed them were compelled to confess that they had been written by divine inspiration. This opinion of the sanctity of Maria Celsia shone forth

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most brightly at that time, when Saint Alphonsus de Liguori, prompted by the will of God, and knowing that a congregation of men was to be established, reluctantly accepted the position of director, fearing that he would be deceived and led astray, as he considered himself to be one who was not fit for such a task. But when, troubled by anxieties and doubts, he sought the advice of the Reverend Father John Mazzini, his familiar, and of the Bishops Falcoja and Santoro, he received this response: that the nun's knowledge was from heaven; that she was beloved by God, and endowed with supernatural privileges above others.

[*Latin ed. p. 473*]

From the Sacred Ritual, number 473, she was also recommended; her words were to be heard, and she was to labor in establishing a new sodality. Among these were Father Thomas Pagan and Father Louis Fiorillo, who, moved by authority, undertook the divinely ordained task in the very city of Scala. Indeed, the servants of God held her in high esteem, even as her adversaries sought to investigate her. For this bishop was the same Falcoja, who had fiercely persecuted the Most Blessed Virgin, and who was about to fiercely persecute her for this very institution of the new Congregation. But neither his nor the nuns of Scala were able to diminish the reputation of the Servant of God in any way. For Scala, having cast off the utmost contempt, and having persistently requested, amidst the nuns' hatred and calumnies, received her with great veneration and great joy in Amalfi and Nozeroy; whose bishop, who had invited her, was a defender of the conservators of his city. Nor did the nuns, having gone further along the path of perfection, find fault with her corrections or stricter discipline; rather, they received her humbly, and diligently devoted themselves to her piety and virtues. This opinion of her sanctity grew so much that a certain noble young man was persuaded to abandon his bad habits in her presence; and men of all conditions sought her counsel; and the fame of her grew daily, so that common people, eager to see and admire her, flocked to her; and from all sides, cities, bishops, and priests invited her, and praised her efforts to establish a new monastery, or to rekindle the fervor that had grown tepid. Nor would the Servant of God have been so urgently invited to Nozeroy, unless her fame of extraordinary sanctity had been widely proclaimed among all; nor, if things had been different, would the people of Nozeroy have tried with all their might to prevent her departure; nor would she have left there so soon; nor would she have been received there with such honors, and with so many signs of joy. For great was the honor that was given to her by the entire people, and especially by her nieces, who constantly observed her from afar, especially when she approached the sacred Synaxis. This opinion of her sanctity was confirmed even more by the death of the Servant of God, which she herself called her passage; for they believed that she had passed from this life not for any other reason than the power of divine

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charity, which had consumed her entire being.

[*Latin ed. p. 474*]

474 FROM THE LIFE. With this opinion, and, if I may so express it, with this burning zeal for sanctity, which the virtues of the Celestial Maria exemplified, this young woman, scarcely married, was so captivated after a brief acquaintance, that she no longer wished to leave her side, and, having forsaken her husband, her parents, and her vanities, she adhered to the Servant of God, and, professing a religious vocation, led such an austere life in the monastery that she passed away, attaining the fame of sanctity on the very day of her death. This same opinion of sanctity moved the superiors of the Servant of God to command her, although she was reluctant and unlearned in letters, to write spiritual treatises, by which other men might be encouraged to pursue virtue. These very treatises attracted to her the attention of other bishops and other distinguished men, both in doctrine, authority, and knowledge, and, what is even more important, men also distinguished for their sanctity, so that the Society of the Celestial Maria could rightly be called a society of saints. First among those who should be remembered are Saint Alphonsus de Liguori and Blessed Gerard Majella, who possessed such great virtue and sanctity of knowledge that they sought her counsel and spiritual instruction, and, when it was not possible for them to meet with her in person, they corresponded with her by letter. Concerning the matters on which they collaborated, and the reason for their such great esteem for her, will become clear, for it is said that Blessed Majella, while visiting her, experienced a vision. Concerning the Miracles in the life of the Servant of God. The Lord Almighty also deigned to confirm the sanctity of His handmaid, even while she was still living, through miracles. When Fodera, who was then in charge of the pharmacy, and at the same time administered certain medicines to the nuns, told the Servant of God that there was absolutely no oil left, and when she asked if they were certain of this, they affirmed that it was indeed so. Then, after she had prayed, she ordered them to go and see if all the containers of oil were empty. Those who obeyed her command found one container, which they had previously found to be empty, filled with oil. When they reported this to her, astonished, she replied that perhaps they had been mistaken and had thought that all the oil had been used up a little while ago. But the sisters understood that this was said to conceal the truth; for at that moment, the Servant of God spoke in such a way that her face was inflamed, and they saw her giving thanks to Jesus present in the Most Holy Sacrament.

[*Latin ed. p. 475*]

From the Sacred Ritual, 475: Furthermore, the excessive power of nature must be understood to be a sudden and significant change in the lives of

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the elders, which God accomplished through His Handmaid. When she wished to show her spiritual daughters the state of each of their souls, she took certain objects, all of which were whole and without any blemish, and subjected them to various corrupting influences. Then, after she had done this, she again showed these objects to the nuns, and some of them recognized certain signs: and indeed, all of them became more certain. These objects signified the spiritual vices of the nuns; and it was confirmed that one of them had her soul corrupted by putrefaction, when, after the death of the Handmaid of God, that nun left the monastery and returned to the world. And a portent of this scale occurred when, after the Handmaid of God had departed, a sharp disagreement arose among the nuns regarding the rules. For when a certain Maria Raphaela, who was more diligent in her office, said that she would believe that those rules were divinely inspired if Maria Magdalena (who was a rather foolish nun) would regain her senses, the Handmaid of God added that this event would be a sign from God. And immediately, Maria Magdalena regained her senses. The very erection of the monastery, which the Handmaid of God accomplished with no resources, seemed to offer a certain wondrous spectacle, as was seen in vision 46. Indeed, it is not surprising that God would help her with divine assistance: for she was very dear to Him; and this was also experienced by the wife of a certain bricklayer. For one day, when it was raining very heavily, as the Handmaid of God approached the window, a channel of water was suddenly opened in the roof, and a stream of water poured down, so that she was immediately seized by a chill and a fever. This happened because it was the will of God that the bricklayer, who was there to build the monastery, should return home later than usual, and be rebuked and scolded by his wife with great insults, because of the corrupted food. Knowing that this had happened for the sake of the Handmaid of God, she did not hesitate to confess this, and to offer prayers. It is a marvelous thing! While she was uttering these words, she brought forth a small piece of her head covering, and as the rain ceased, she was immediately freed from the chill and fever, and the punishment was revoked; and, through prayers, she was freed from the illness. But the man, returning to the monastery,

[*Latin ed. p. 476*]

476 FROM THE SACRED RITUALS, it is known that all the actions of the Servant of God, as if she had been present, were understood; and it was also foretold to her that she herself, along with her husband, would suffer from a disease. This prophecy was confirmed by events. The Servant of God also performed other miracles while she was still alive; when she prayed, God granted many things and bestowed many blessings, so that many would come to her for prayers, persuaded by others who had experienced the power of her intercession. It is sufficient to recall that outstanding benefit, of which we have already spoken, which the Servant of God obtained for a

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young woman who was about to be married, so that she might say farewell to the vanities of the world and embrace a religious life. Concerning the final illness and the precious death of the Servant of God. The death of the Servant of God was most precious, for it concluded a life devoted to the glory of God and the practice of most excellent virtues, which we cannot fully recount. After a long life, exercised by abundant merits and the anxieties of others, the Most Blessed Virgin Mary, at the age of fifty-nine years, passed away in the monastery of Fodía, on the first and second day of the week, which was the fourteenth day of the month of September, in the year of Our Lord 1755. She was strengthened with all the sacraments at the very end of her journey. For, although she received the most holy Body of Christ daily, there was no doubt that she desired to receive it in her last days. When she was lying in bed, Father Nicholas of Lombardy, who was the moderator of her conscience, read to her the Passion of Our Lord Jesus Christ according to the account of John; and when she reached the words "It is finished," she peacefully surrendered her most sacred soul. She was not afflicted by any illness, nor was she overcome by pains that foretold her impending death; but she peacefully passed away to God, consumed by love. While she was alive, she had often been tempted by the enemy; and she always overcame these temptations. Nor did she lack attacks from the fiercest enemy at the time of her death. Indeed, from this death, it was known that a great building had been shaken by an earthquake, and the sound of chains was heard, signs by which Satan was seen to be defeated in his last struggle. A most excellent testimony of her sanctity accompanied her death. When the Servant of God was dying in Fodía, the Blessed Majella, who was confined to bed in Naples by a serious illness, saw her ascending to heaven, and told the brother who was with her.

[*Latin ed. p. 477*]

From the Sacred Ritual, number 477, it is related that she said: "As a dove now flies to heaven, so the Heavenly Maria, the Rose of the Cross, ascends." He thought that this was said due to a delirium; but the truth of those words was later revealed. The body of the Handmaid of God remained fresh and lively, as if death had not touched it, and it emitted a certain fragrance and an aura of sanctity and purity, so that her daughters, weeping and lamenting, carried it on their shoulders in the manner customary for the presentation of the most holy Eucharist to the nuns. Concerning the gathering for the funeral, and the various translations of her body. A large crowd gathered to receive the body of the Handmaid of God, and as just tributes were paid, many people, moved by the fame of her sanctity, came forward; there were people of all conditions, lamenting that, due to the excessive number of those present, they were prevented from approaching the body to kiss its feet and hands; they sought fragments of her clothing, and received them with great veneration, saying publicly that she was a

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saint; and they did not pray to God for her, but rather prayed to her herself, that she might intercede for them with God. But amidst such a multitude, a certain woman, barren by nature, who, while others were comforted by contemplating the body of the Handmaid of God, did not herself have the opportunity to do so, prayed with many tears and with firm faith that she might see the Handmaid of God. And not in vain: through her intercession, the power to see was miraculously granted to her. In memory of this miracle, which depicted what had happened, a painting was made. The body of the Handmaid of God, after the funeral rites were completed, was buried in the common burial ground of the nuns, in a distinct place, and a stone inscription was placed on the ark: for there the remains of the deceased are kept, so that in each ark the name of the deceased and the date of their death are inscribed. It is therefore clear that the body of the Heavenly Maria was known to her daughters, who were so accustomed to it that, whenever the body of some deceased sister was to be placed there, they would descend to see the relics of their foundress, and to change her clothes. In the year 1785, it happened that, when the nuns were tending to this body, they attempted to remove the tunic that was adhered to it, and living blood flowed from the Handmaid of God.

[*Latin ed. p. 478*]

478. From the body, a copious effusion of blood was observed. Three days after her death, when they were turning her head, they found blood still flowing: on account of this, the Bishop of Saggese, the prior of the monastery, and the moderator of the process, ordered an investigation to be instituted, and the linen cloth stained with blood was brought to Rome to Pope Pius VI. In that same year, 1809, during the solemn recognition of the body, another tunic and other garments stained with blood were again discovered. This recognition was made legally, at the request of the faithful citizens of every condition, in the presence of notaries, doctors, moderators of other monasteries, officials of the bishopric, and the city's dignitaries. A report of the recognition exists, addressed to Cardinal Firrao, the local Ordinary, and to Canon Carlo Ricciardi, the Vicar General: also extant is the Cardinal's response, dated January 18, 1809, in which he orders the body to be transferred to another place. Therefore, so that the relics of the Servant of God might be placed in a more fitting location, on the second day of February, 1809, by the authority and order of Cardinal Joseph Firrao, they were transferred to the church of the nuns founded by her in Foggia, dedicated to the Most Holy Savior, and placed within, on the left side, in a niche three or four palms deep, with the key kept and the place sealed, and there they remain to this day, religiously guarded. Concerning the Fame of her Sanctity after the death of the Servant of God. All the witnesses, with a most remarkable and firm agreement, affirm that they do not doubt, nor have they ever doubted, the sanctity of the Servant of God, and that they are

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certain that she enjoys heavenly happiness; they speak of her most innocent and most holy life, of the outstanding virtues with which she was endowed, of the miracles which God has wrought through her intercession, and of the power of her prayers which they themselves have experienced, and they consider her worthy of the highest honors, and they earnestly desire that this be the case. Among these witnesses, one affirms: "The virtues that I have personally known of the Servant of God, the graces that I have felt through her intercession, and the number of these is so great that I can no longer recall them all, the effective protection that my daughters and I have experienced, these things have so filled my heart with admiration and faith in her prayers, that, after all that has been said, it seems to me that I have said very little. I add only that my testimony has been too weak in comparison with the heroism of her virtues, and the testimony..."

[*Latin ed. p. 479*]

From the Sacred Ritual, 479: "Indeed, God Himself has demonstrated in her life and death how dear she was to Him." Witness LXIII, in his official statement: "As soon as I became aware of the Servant of God, I always professed a special devotion to her, and I profess a most special devotion to her now; indeed, I am her promoter, and as I have said before, I desire that she be raised to the honors of the altar soon, for the greater glory of God and for the sake of her saints. Not once, but a thousand times, I have approached the tomb of the Servant of God; finding myself, for many years, the ordinary confessor of this monastery, I am compelled to frequent this church, and whenever I have found myself in need, I have recommended myself to the Servant of God through my private prayers." This reputation for the sanctity of the Servant of God has always flourished within the monastery. Those who were her equals, and who possessed even greater virtues, such as charity, piety, and the afflictions she voluntarily imposed upon herself, were witnesses, and many times after her death, she appeared to them to confirm and console them, and they, with even greater certainty, judged her to be a saint, and they have continually transmitted this opinion to those who followed. This reputation for sanctity was not confined to the walls of the most holy monastery; it spread throughout the city of Imola and throughout the surrounding areas, among people of all conditions, sexes, and levels of knowledge and authority. And this opinion did not arise through fraud or through the artifices of men, but through the sanctity of the Servant of God herself. All of these things, as all witnesses unanimously affirm, are further confirmed by the heroic virtues of this woman, by the miracles that flowed from her blood and from her body after her death, and by the graces granted by God through her intercession, which have spread the reputation for her sanctity. For all these reasons, everyone admires and celebrates her, and there has never been anyone who has dared to write anything against her sanctity. First of all, it must be noted that this

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reputation did not arise at some particular time, but rather, it began while she was still alive, and it has never been interrupted or ceased, and these things have remained steadfast among all people, and are entirely constant and persevering, and rightly deserve to be called universal. As this opinion has taken root in the hearts of all, it is confirmed by countless deeds. From the day that Maria Caelesti was the highest in rank, until today, fragments of her garments, which enveloped her virginal body, and numerous vows and prayers, have been...

[*Latin ed. p. 480*]

480. From the most holy rites of our Savior, requests are made, and they are received with great veneration. Furthermore, images of the Handmaid of God are requested, and in order that they may be venerated, lamps are lit before them in private. It is testified by twenty-six that, when these images were presented to them as young girls, they inquired with childish curiosity as to their name, and received the answer from the Most Holy Abbess of the Monastery of the Savior. For I believe that it is customary in those places not to call the Blessed Virgin Mary by her common name, but by those words, "Holy Abbess." Thus, how steadfast and firm is the opinion of her sanctity! And this universal opinion that the Handmaid of God dwells with the blessed in Heaven, and that her intercessions are most powerful, is also confirmed by the fact that she is considered the special patroness of mothers, for many women in that condition have obtained graces through her. The fame of this sanctity of the Handmaid of God continues even after her death, and faith is increased by those things which are read about the Handmaid of God in books, in which the lives of the Blessed Majella and Saint Alphonsus are recounted, and especially in that one which Father Tannoja wrote about Saint Alphonsus, in which the Blessed Virgin is called the exemplar of sanctity. But the most evident testimony of the steadfast fame of her sanctity is given by the great crowds that gather at the tomb of the Handmaid of God, and which have been present at all times. Not only the laity, but people of all conditions, bishops, prelates, citizens, and foreigners, come there daily, in order to obtain the desired benefits through her intercession, or to give thanks for those received. Also, pilgrimages to the tomb of the Blessed Virgin Mary began, but because there was fear that these pilgrimages might give rise to impediments to the cause of beatification, these pilgrimages were prohibited in every way. However, if, for the sake of fulfilling someone's devotion, and with the permission of the moderators, and with the keys of the monastery entrusted to the moderator, who diligently guards them, the tomb is opened, immediately a large crowd gathers. A frequent throng also gathered in the year 1855, on the occasion of the centennial of her death, when the just anniversary was solemnly celebrated; and it was publicly prayed that the sanctity of the Handmaid of God might be confirmed by the solemn judgment of the

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Church, so that the faculty of publicly venerating her might be granted. This desire, with which all are aflame, and the firm hope that it may have a happy outcome, confirms the universal opinion of her sanctity.

[*Latin ed. p. 481*]

From the Sacred Ritual, number 481, the opinion concerning her sanctity is further strengthened. When it became known that Bishop Bernardinus Frascolla, after the prayers of all, had presented a petition to obtain the Beatification of the Servant of God, a great crowd gathered at his tomb. This indeed happened in the year 1878, when, after the people had become even more devoted, Bishop Jeremias Cosenza, through humble prayers, had begun the process for her introduction. A joyful commotion arose among the people, so that they commonly flocked to the tomb, and offered oblations, by which the expenses necessary for the cause could be sustained. But even before this, in the preceding century, something had been undertaken to honor the altar of the Servant of God. For when those prodigious effusions of blood occurred from the body of the Servant of God, the Archpriest Saggese, as he journeyed to Rome to ordain the Bishop of Montis Filosi, presented petitions and documents to Pope Pius VI for the initiation of the process. This is confirmed by a copy of letters from Canon Carolus Ricciardi, Cardinal Vicar Firrao, as well as from a response letter, which is preserved, in which the expenses necessary for the Beatification are enumerated. In this century, the nuns of the monastery of the Most Holy Savior, and their superior, Maria Theresia Spinelli, requested Bishop Bernardinus Frascolla to undertake the process for the Beatification of the Servant of God. He accepted this task, and, as we have mentioned, he actually initiated the process; however, it was interrupted when, in the year 1860, Bishop Frascolla was removed from his see. The same superior instructed Antonio Rubino, a priest known in Rome, to pursue this matter; however, due to the vicissitudes of time, he was unable to accomplish anything. So many and varied efforts, undertaken at different times, to include the Servant of God among the Blessed, strongly confirm the universal opinion of her sanctity. (follows) Acts, Volume XXXIV, section C, division 31.

[*Latin ed. p. 482*]

482 FROM THE HOLY CONGREGATION OF THE COUNCIL OF PARIS. CONCERNING THE NULLITY OF MARRIAGE. Dated March 1, 1902. Session 24, Chapter 1, On the Reformation of Marriages. Henry, aged 32 years, residing in the parish commonly called Notre Dame, in the diocese of Burdigalensis, and Martha, a young woman of twenty-eight years, residing in the parish of Saint Peter, commonly called Montmartre, in the diocese of Parisiensis, traveled to London, and there, a few days later, before the parish priest of the church called Corpus Christi, in the diocese of Westmonasteriensis, they were joined in matrimony on August

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10, 1892; and, as is asserted by the plaintiff and witnesses, no delegation from either of the spouses preceded the parish priest. After the marriage was celebrated, the newlyweds returned without delay to Burdigala; but fourteen months later, the woman, due to the husband's cruelty and due to his excessive prodigality in distributing her goods, went to live with her mother in Paris, bidding farewell to her husband. In the year 1896, Martha brought a case before the Parisian civil court, formally accusing her marriage, and the judges declared its nullity, preserving, however, the legitimacy of the child already born. Having obtained this judgment, the Plaintiff, having subsequently been informed of the vice of clandestine marriage, sent a petition to the Parisian court, vehemently demanding a declaration of the nullity of the supposed marriage. Therefore, the Parisian court, after obtaining information initially from the courts of Westmonasteriensis and Burdigalensi, and after establishing the proper procedure, completed the proceedings, and the defendant was also dismissed by the Delegate of the Apostolic Vicar of Guyana. However, as the proceedings were already nearing their conclusion, a serious doubt arose regarding the competence of the Parisian court in this case, since the Honorable Judge considered neither the person nor the contract to be within its jurisdiction.

[*Latin ed. p. 483*]

PARIS. Forum illud existere; unde a pronuntianda sententia sese abstinendum duxit, interim acta ad Congregationem Supremam transmittens. Haec vero ad S. C. C. processus acta mittere sategit quae, postea sub die 8 Maii 1901, praevio actorum examine, suppletorias requisivit informationes ac investigationes. Ex his erui videtur, utriusque sponsi Parochos nullam dedisse Londinensi parocho delegationem, imo, ut ait Parisiensis Iudex, nec dari ab his potuisse, cum « per modum legis dioecesanae, Parisiis quidem et in multis Galliarum dioecesibus habetur prohibitio ne Parochi delegationem ullam concedant, inconsulto Ordinario, ad matrimonia contrahenda in exteris regionibus ». Ex utriusque autem dioecesis Parisiensis et Burdigalensis curia, de tali data delegatione vestigium non reperiri, edocent acta: licet contra evidentiam actorum ab utroque Parocho datam fuisse, contendat vir. Sac. autem Skrimshire, Parochus Ecclesiae « Corporis Christi », qui coniugum matrimonio adstitit, quique ministerio valedicens, in quoddam monasterium se recepit, rite interrogari non potuit ob eius irreperibile domicilium : « quare ut ait Parisiensis Iudex, nulla alia via patuit eiusdem testimonium colligendi nisi ipsi, mediante amico, communicare scripturas et quaestiones, quibus ille propria manu respondit ». Disceptatio Synoptica. VOTUM CANONISTAE. Martha dioecesis Parisiensis die decima Augusti anni millesimi octingentesimi nonagesimi matrimonium contraxit cum Henrico, Londini in Ecclesia *Corporis Christi*. Coniugalem vitam per annum duxerunt, et filiam ex suo coniugio susceperunt. At post an-

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num, sive propter asperiorem agendi modum Henrici cum sua coniuge, sive propter prodigalitatem, qua triginta millia francorum uxoris suae adeo brevi tempore dilapidaverat, uxor virum.

[*Latin ed. p. 484*]

484. Having abandoned the Society of Jesus, he fled to his mother. In the year 1891, the wife requested a declaration of nullity of her marriage in the civil court, and she easily obtained it. Finally, in the year 1899, she requested the same declaration from the Parisian Tribunal, which instituted a process, but refrained from pronouncing a judgment, doubting whether it was competent in this case. And indeed, it was right to abstain, and even before obtaining a delegation from the competent judge, it ought to have abstained from conducting the process. For the competent judge in matrimonial cases is only the Bishop of the diocese in which the husband has his domicile (cf. *Instructio Austriaca* § 96 and *Instructio S. C. P. F.* a. 1883 § 2), or, in the highest degree, the Archbishop of the diocese in which the marriage was contracted (cf. Gasparri, *De matrimonio*, II, 1169). The reason for this is that, according to the general principle of law, the forum sequitur a rem. Moreover, in matrimonial cases, whether the husband or the wife is the defendant, the forum of the thing is always the forum of the husband. This is clear in the first case, since the husband is the defendant (as in our case); it is also clear in the second case, when the wife is the defendant, from another principle of law: the wife follows the domicile of her husband. An exception is made by both the *Instructio Austriaca* and the *Instructio S. C. de Prop. Fide*, when the conjugal life has been broken, either by separation from bed and board, or by malicious desertion perpetrated by the husband. Then, in the first case, when the spouses are separated from bed and board, either party must exercise the right to accuse the marriage before the Bishop of the diocese where the other party has his domicile. In the second case, the wife can institute an action even before the Bishop within whose diocese she has her domicile. But in our case, it is the wife who is accusing the marriage against the husband, and it is the husband who has been abandoned by the wife, not the wife by the husband. Therefore, she should have brought the case before the Ordinary of the husband. Hence, the Parisian Tribunal acted correctly in remitting the case to the Sacred Congregation for the Holy Office. This, however, remitted the entire matter to the Sacred Congregation of the Council, since it more properly pertained to that Congregation.

[*Latin ed. p. 485*]

PARISIAN. 485 This marriage is impugned by the actress on the grounds of clandestine cohabitation. Furthermore, it is evident that the marriage of Marthe with Henry was certainly null and void, if it was not contracted according to the Tridentine form, even though it took place in England.

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The Tridentine decree is not merely real, but also personal (cf. decree of the Holy See, February 29, 1860); therefore, it renders the parties incapable of contracting marriage without a priest and witnesses, and consequently, it applies everywhere. However, the parties are only exempt from its jurisdiction when one of them has acquired a domicile in a place where the Tridentine law does not prevail. Our spouses, however, were both from France, and neither had acquired a domicile or quasi-domicile in England when they contracted the marriage. The marriage took place a few days after they arrived in England, and neither of the spouses intended to remain there for more than a year. With these facts established, it must be determined whether this marriage was duly celebrated according to the Tridentine form, or not. Indeed, the woman precisely contends that the marriage was null, because in its celebration, the essential elements of the Tridentine form were neglected. Therefore, this is the crux of this case, which therefore concerns a certain fact. Furthermore, if we listen to the man, the marriage was celebrated according to all the prescriptions of the law. He himself swore that he and his fiancée and her mother had been in London for three weeks, during which time the banns were proclaimed. After the banns, a priest from the Church of the Body of Christ came to celebrate the marriage, who had received a delegation to do so from two priests of the parish of the bride and groom; therefore, according to the testimony of the man, he had more than what was required for the validity of the marriage. "We stayed in London for about three weeks, the time necessary for the posting and publication of the marriage banns. We were married in the first church where we presented ourselves, in the church of the Holy Sacrament."

[*Latin ed. p. 486*]

486 FROM THE DECREES OF THE COUNCIL (Corpus Christi). The priest was named Skrimshire. He did not know French, but I knew English, and there was an interpreter. Furthermore, the priest who married us did so only after receiving all our documents from the Archbishopric of London, which required the authorization from our two respective parish priests, one being the priest of the parish of St. Vincent de Paul in Paris, and the other of St. Louis in Bordeaux, who sent them. All the documents were in order. And afterwards: "The banns were not published in Paris or Bordeaux, but rather in England; no dispensation was requested. The authorization was given by our two respective parish priests." But the woman vehemently affirms the contrary. She states that neither the banns were published, nor was any authorization obtained. The documents that were presented to the parish priest of the Church of Corpus Christi by the man were, she claims, only a testimony of her studies completed in Gallia. "Upon arriving," she testifies, "from London, we went to a French church. There, they refused to marry us because we had none of the required documents,

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neither permission from my father, nor a certificate of publication, nor anything at all. We then went to the church of Corpus Christi. Mr. Henri presented only one document to the priest: it was my certificate of studies. Mr. Henri presented it as my birth certificate. Mr. the priest, not knowing French, believed Mr. Dufort's word. It was Mr. Henri alone who took care of the matter." And a little earlier: "There was no publication either in Paris or in Bordeaux; I am absolutely certain. I have, moreover, provided proof of this. We only passed through Paris to go to England. There was also no dispensation. We saw no one, nor did we ask for any permission." From these testimonies of the man and the woman, it is clear that nothing certain can be ascertained regarding our case. For each testifies to the contrary, and while the woman denies that any authorization was obtained, the man affirms it. But furthermore, the man hears very poorly, and for many now...

[*Latin ed. p. 487*]

PARIS. He has stained himself with 487 crimes, for which he is now serving his third punishment, having been exiled to Cayenne. What should be thought of this woman, and how much credence should be given to her testimony, is not clear. For there are lacking witnesses of the seventh order, who might testify to her veracity. For, besides the parish priests and vicars, who testified to the fact of the delegation, only four witnesses were presented, and none of them were questioned in any way about the woman's veracity. And although it cannot be said that the woman is a liar, the circumstances are not such as to give her complete credibility. For she is from a family that did not lead a Christian life; her mother was separated from her husband and lived in concubinage with another; indeed, it is probable, as appears from the records, that the woman herself, Martha, was conceived out of adultery by her mother. Therefore, it must now be considered whether anything can be learned from another source to judge the validity or invalidity of this marriage. To this end, the testimony of the Reverend Mr. Skrimshire would be most helpful, who was present at the celebration of the marriage. But this priest is so troubled by scruples that he has abandoned his parish and, it is said, has retired to a certain monastery. Indeed, he wanted the place where he fled to be unknown to everyone, revealing it only to one priestly friend. Furthermore, before abandoning his parish, this priest, when questioned by the Reverend Dr. Johnson, Canon Secretary of the Westminster Curia, stated that he had received from the Paris Curia, through the Westminster Archdiocesan Curia, a delegation to celebrate this marriage. But later, when questioned again by the same Reverend Dr. Johnson about the marriage in question, he not only refused to confirm what he had said before, but stated that he had then "declared circumstances that actually pertained to other marriages, which also came from France," and furthermore, he affirmed that he had in no way assisted the Westminster Archdiocesan Curia, and that he had come to celebrate

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the marriage without consultation and culpably; and he stated that the words which affirmed the requested and granted delegation in the marriage records, he had said afterwards.

[*Latin ed. p. 488*]

488 Having added to the testimony of the Most Holy Council, the inquiry or cause was begun. "Despite these doubts, these are his words, although weighty, which I did not fully disclose to the spouses; I joined them in marriage, pressed by their importunity, and guilty of negligence and culpable carelessness. Therefore, I acted in bad faith and in a manner entirely unworthy of a pastor of souls. Furthermore, I recognize that I was at fault for not immediately approaching the Archdiocesan Curia (which was nearby), so that the delay would not be prolonged; for I considered that document (a certain document indeed presented by the parties themselves) to be reluctantly approved by the Secretary... The words cited in the marriage records (the consent of each party was obtained from France) were added by my hand, not at the time of the marriage, but later, during the inquiry. Therefore, they have no value as evidence." All of this, Reverend Father Skrimshire, unwilling to confirm his oath due to the scruples that trouble him, nevertheless testified under oath that he holds this present impression of all these matters. Furthermore, it appears that this marriage was indeed begun without due delegation. This is most strongly confirmed by what the Reverend Monsignor Monlezun, diocesan official of the Parisian Curia, wrote to the Most Reverend Prefect of this Sacred Congregation on June 10th of this year. In his words: "Indeed, it is customary and almost a law among us, that a delegation, if requested, should be requested from the girl, not from the man, from the Parish Priest or Ordinary (and therefore, that telegraphic delegation, which Reverend Skrimshire previously mentioned, would have been received from the Parisian, not from the Bordeaux (-Bazas) diocese); hence, the Bordeaux delegation is highly improbable. Furthermore, by way of diocesan law in Paris, and in many dioceses of Gaul, there is a prohibition that Parish Priests should grant any delegation, without consulting the Ordinary, for contracting marriages in foreign regions. Therefore, in his deposition, Reverend Father Gaudillon, who at that time was the first vicar of the parish of Saint Peter of Montmartre (for Your Eminence knows that the first vicars in this country are universally delegated),..."

[*Latin ed. p. 489*]

PARISIAN. (4-89 concerning marriage matters) expressly asserts that he never granted any delegation for contracting marriage outside of France, and concerning the marriage of Marthe, he affirms with the greatest certainty that he never granted such a delegation to her. – The Reverend Sobaux, then and now parish priest of Saint Peter of Montmartre, was

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questioned, as was his first vicar, Father Gaudillon; the parish books were examined, and the response was undeniable: no banns were published, nor was any delegation granted. However, I myself testified before the episcopal archives, and there is no mention of any delegation in those records; and, if one had been granted, it certainly would not have been without the knowledge of the parish priest, and there would have been a mention of it. It would have been useless to question other vicars of the same parish, for they neither could grant a delegation, nor would they have dared to do so. – Furthermore, in order to completely exclude any Parisian delegation, I state that we never grant delegations in London, except to the Reverend Canon Johnson, Chancellor of the Archdiocese, who, having been granted the faculty of delegating, may, when he deems it appropriate, delegate another priest. Therefore, it is certain that no delegation was granted by us. – This observation also applies to the alleged Bordeaux delegation. For none of the parish priests or ordinaries knew Reverend Skrimshire, nor could they have known him before contracting marriage. Indeed, a delegation would never have been granted except to a specific priest or to an ordinary. Moreover, the delegation granted to the Ordinary of Westminster is expressly excluded by what the Reverend Canon Johnson stated, as well as by what Reverend Skrimshire stated. – This concerns the Parisian court. As for the Bordeaux court, the following points should be noted from the records. There is an express and authentic declaration from the archivist stating that there is no trace of any delegation concerning said marriage. The parish priest of Notre-Dame is deceased, as is confirmed by the deposition of his successor, Father Castaing, who further declares that no banns were published relating to that marriage. What more? – From these facts, it appears that said marriage, due to the lack of observance of the Tridentine form, is null and void.

[*Latin ed. p. 490*]

490. From the vote of the theologian concerning the Council of Trent. Martha, a young woman of Paris, twenty-nine years of age, residing during the summer months at a seaside resort near Bordeaux, and Henry, domiciled in Bordeaux, already over thirty years of age, devoted to the art of dentistry, agreed to enter into marriage. However, either because it was of the greatest importance to Henry to celebrate the marriage outside of his own place of origin (since, a few years ago, he had been enslaved in Bordeaux for four years due to theft), or because Martha's father, separated from his mother, had denied prior consent, which was required by civil law due to the daughter's young age; the betrothed traveled directly to London, and there, before the parish priest of the Church of the Most Holy Body of Christ, after presenting certain documents, and in the presence of Martha's mother with one or two witnesses, as well as a civil official, commonly called a Registrar, they were married on August 10, 1892, and without delay

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returned to Bordeaux. After fourteen or sixteen months, and having conceived a child, Martha, distressed by the quarrels, harshness, and excessive prodigality of her husband, secretly fled and took refuge with her mother in Paris. Shortly after her marriage, she formally brought a case before the civil court. The court, in 1896, did not grant a separation or divorce, as is customary, but immediately pronounced the nullity (due to the denied paternal consent) of the aforementioned marriage, while nevertheless preserving the already-born child's legitimacy. The husband, it seems, had previously committed another theft in Plymouth, England, and was subsequently discovered; he was then sent to a penal colony near Cayenne for twenty years. The woman, who in the meantime had been instructed by a certain relative who was a civil judge, as well as by some priests, that her marriage celebrated in London was invalid, presented a petition to the Parisian ecclesiastical court, requesting that the marriage be declared null on the grounds of clandestine marriage, in accordance with the law of Trent.

[*Latin ed. p. 491*]

PARIS. 491 With regard to the advancement of the entire cause, the following points appear to be noteworthy: The procedural documents, meticulously prepared as is customary with the Paris Tribunal, were transmitted to the Supreme Court, not only due to indications and contradictions concerning the alleged delegation and the omission of the oath from the part of the priest of London, but also, and I believe most importantly, due to a doubt arising concerning the competence of the very Paris Tribunal itself; but, in my humble opinion, this reason is less well-founded. For, although the plaintiff, Marthe, is the actress, she remained free to act either before the Bordeaux Tribunal due to her previous domicile, or before the Paris Tribunal due to her current domicile from which she cannot move. The Supreme Congregation transmitted the procedural acts to the Sacred Council, which, on May 8, 1901, after a preliminary examination of the documents, requested supplementary information and investigations. After receiving extensive observations from the Paris Judge on June 10 of the same year, it remains, according to the most venerable mandate of the Most Holy Order, to carefully consider all the documents, both previous and subsequent, and, according to my understanding, to submit everything that is presented for or against the claim of clandestine marriage to your most discerning deliberations. And first, the plaintiff, duly sworn, when questioned about her respective domicile, responds: "I have always lived with my mother in Paris. For 4 years, I was at rue Pierre Piccard, number 8" (and therefore, in the parish of Saint Peter of Montmartre). Therefore, there is no doubt concerning the true and only domicile of the wife. Regarding her husband: "He lived in Bordeaux, where he was a dentist. At the time of the marriage, Mr. Henri resided at rue de la Faurie-Monbadon, number 7 or

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9. He must have lived there for at least one year. He still had his father and mother: they resided in Facture (a town in the same diocese of Bordeaux). Mr. Henri was thirty-two years old." Not only for at least one year, as the plaintiff stated, but for six years.

[*Latin ed. p. 492*]

492. Saint Henry resided in Bordeaux, according to the testimony of his mother: "From the moment of the marriage, I resided in Facture. My son had been residing for more than six years in La Faurie-Monbadon (Bordeaux)." It is not difficult to presume that the most merciful mother, within the aforementioned six-year period (1886-1892), – for four years discreetly concealed (1886-1890), during which time Henry remained incarcerated due to theft (as evidenced by *Le Nouvelliste de Bordeaux* of May 15, 1886, in the judicial records annexed to the Court of Assizes of the Gironde). Furthermore, it appears that, with a similar desire to conceal, namely, his own incarceration, the evasive response of Henry himself is noteworthy. For, by virtue of a duly sworn and questioned commission by the Delegate of the Apostolic Vicariate of Guyana, concerning his domicile at the time of the marriage, he responded: "At that time, I was an intern student at the asylum for the mentally ill in Bordeaux. My parents lived in the countryside." Moreover, in this particular case, it must be noted that the husband, being of a much older age, having completely abandoned his paternal home, established Bordeaux as his true domicile, or, while his father remained in the town of Facture, he held a quasi-domicile in that city, while he attempts to present the parish of his paternal home, and not, as will be said below, the parish of Bordeaux. Furthermore, the peculiar circumstance of the intention to celebrate the marriage in England seems of no importance; for the mother, Martha, having been separated from her legitimate husband for a long time, lived an dishonorable life with a lover, and therefore, having despaired of obtaining the father's consent for the marriage of her daughter (who may not even have been his legal daughter), she chose to have the marriage celebrated in England; or, conversely, that the groom, Henry, fearing that, through the presentation of documents, as is said, of identity, his previous incarceration, or the "judicial record," might be revealed, vehemently insisted on the trip to England; in any case, I do not believe that this, from the very beginning, changes the facts as regards the clandestine nature of the matter.

[*Latin ed. p. 493*]

PARISIAN. Regarding the stay in Anglia, the Actress states: "We descended to Londinium and stayed in a hotel, where we remained for four days. I do not recall the name of this hotel. We remained there until the time of the marriage." The Husband asserts that the stay was longer, namely "approximately three weeks, the time necessary for the posting

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and publications of the marriage." The stay, even if it lasted for three weeks, and even if it was, so to speak, prolonged by the affixing and publication of banns, could not, as is evident, constitute for the spouses a quasi-domicile, and therefore could not cleanse the vice of clandestinity. Furthermore, there is a disagreement between the parties regarding the actual celebration of the marriage: The Actress states: "Upon arriving in Londinium, we went to a French church. There, they refused to marry us because we had none of the required documents, neither permission from my father, nor a certificate of publication, nor anything at all." The Husband, however, conceals, or rather denies, this circumstance of the greatest importance: "We were married in the first church where we presented ourselves, in the church of the Most Holy Sacrament (Corpus Christi)." As for the canonical delegation – and there truly lies the central and unique point of difficulty – the Husband and the Wife stand in diametrically opposed positions: She states: "We then went (after the unsuccessful attempt in the French church) to the church of Corpus Christi. There, Mr. Henri presented only one document to the Priest: it was my certificate of studies. Mr. Henri presented it as my birth certificate. The Priest, not knowing French, believed Mr. Henri's word. It was Mr. Henri alone who took care of the matter. Two days passed between the first approach made by Mr. Henri to the Priest of Corpus Christi and the marriage." In contrast, the Husband, with a more precise exposition, specifies entirely different circumstances: "The priest was named..."

[*Latin ed. p. 494*]

494 FROM THE COUNCIL OF SKRIMSHIRE. He did not know French, but I knew English, and there was an interpreter. Furthermore, the priest who married us did so only after having given all our documents to the Archbishopric of London, which required the delegation from our two respective priests, one, that of my wife, the priest of the parish of Saint Vincent de Paul in Paris, and the other, that of Saint Louis in Bordeaux, who sent them to him. All the documents were in order." And further on, again: "The banns were not published, neither in Paris nor in Bordeaux, but rather in England; no dispensation was requested. The delegation was given by our two respective priests." Therefore, not one, but two delegations were presented; and the *forma Tridentina*, if we wish to give full credence to the husband's emphatic assertions, not to mention those fraudulently omitted, was most certainly and abundantly observed. The prior negotiations, truly, between the parish priest of the Body of Christ and the Curia of Westminster, the actress ignored: "I do not know what Mr. Henri and the priest may have said. I only remember the answer that Mr. Henri gave me to the question I asked him about the possibility of us getting married: Oh! he said to me, here one can achieve anything with money. - I do not know if Mr. the priest referred the matter to the Archbishopric of

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Westminster. I know nothing about the steps that may have been taken." The responses of both are sufficiently consistent regarding the witnesses who, with the priest Skrimshire, were present at the marriage, namely, the mother of Marthe (not heard in court, because she died before the beginning of the proceedings), the registrar, and a coffee boy, according to the actress, and the owner of the restaurant, according to the husband. After the witnesses have been duly examined, the parish priests to whom the delegation is attributed must be heard separately, as well as the priest or rector of London, to whom the document of the asserted delegation had been consigned (about whom in the following paragraph), and the ordinary witnesses who knew this or that circumstance of the marriage.

[*Latin ed. p. 495*]

PARIS, 495. Furthermore, from the testimonies of these most recent witnesses, it is certainly established that the Actress had a fixed residence in Paris, on the street Pierre Picard, with her mother; likewise, the mother of the man asserts that her son had a true residence in Bordeaux, on the street Lafaurie-Monbadon; moreover, it is also established that [the stay in England was for a few days, at most one week; and furthermore, it is affirmed by almost all the witnesses, while others are unaware, that neither of them had ever received any delegation, either from the Parishes or from the Bishops]. Therefore, from what has been gathered up to now, it is entirely certain and established: a) That both of the contracting parties had a true residence in France; b) That neither of them, before the marriage, had ever established, in England, a residence or quasi-residence, under any title whatsoever; c) That, in the celebration of the marriage, even if it had lasted for three weeks, and even if it had taken place in the city of London, it would certainly not have constituted a quasi-residence. The only difficulty, therefore, lies in this alleged delegation, which the Actress denies and the man affirms. To find some trace, if any, of this delegation is, so to speak, dependent on the time from which or to which: for a delegation, by metaphysical necessity, presupposes the delegating party. And in truth, the husband asserts, as has already been noted, not one, but two delegations having been given, namely, "that of my wife, the parish priest of St. Vincent de Paul in Paris," and "that of St. Louis in Bordeaux." But alas! this assertion, so boldly proclaimed, is immediately proven to be false in two respects: "the one of my wife was not from St. Vincent de Paul, but from St. Peter of the Martyrs," and "the other was not from St. Louis in Bordeaux, but from Our Lady."

[*Latin ed. p. 496*]

496 FROM THE HOLY GENERAL COUNCIL: It is not sufficient; the husband proceeds: "The Archbishopric of London demanded the delegations of our two respective priests, which they sent to it." Hence, the spouses,

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setting out for England, did not bring these delegations with them; and therefore, as the witness states, within a space of five days, or at most, one week, as the witnesses testify, or even approximately three weeks, as the husband alone asserts, the letters of request were transmitted from the Curia of Westminster to the Parisian Curia, from the Parisian Curia to the parish (falsely indicated elsewhere), also to the Burdigalense, and the appropriate responses arrived in London in a timely manner! Nevertheless, as it is said, the French fury, even when joined with the English fury in this case, seems very remarkable, and the speed of these expeditions is truly astonishing. Equally remarkable is the demand of the Westminster Curia, which, instead of requesting the delegation of either priest, requested the delegation of both: "The Archbishopric of London demanded the delegations of our two respective priests." And even more remarkable is the simultaneous action of both the priest of Saint Vincent in Paris, and the priest of Saint Louis in Bordeaux, who, for the purpose of uniting themselves to those who were not under their authority, gave their delegations in a single stroke of the pen. And as the crowning glory of these absurd assertions, the same husband adds that the banns were publicly proclaimed in London, without dispensation: "The banns were not published in Paris nor in Bordeaux, but rather in England; no dispensation was requested." But what of this, of all these things, that London priest, the alleged delegate? From this deposition, or rather, this account, the cause, which had seemed sufficiently clear, is once again shrouded in darkness, or at least in clouds. And first, the aforementioned priest, whose name is Fenwich Skrimsheere, has already relinquished his pastoral ministry and has hidden himself in some monastery, as it seems, in an impenetrable retreat, so that a canon of the Westminster Curia, not directly, but through a certain friend closely bound by secrecy, was able to communicate with him about the matter, in his presence.

[*Latin ed. p. 497*]

PARISIAN. 497 Furthermore, the aforementioned Parish Priest, after being questioned by the Defender of the Bond, wished to abstain from taking an oath, because he considered it impossible to swear about events that had transpired long ago and were therefore forgotten in his memory. Therefore, he intended to express only his own impressions, which were sometimes quite firm, and in other cases, rather vague. Moreover, the Parish Priest initially maintained that the marriage should be postponed "because, he said, of the absence of a certain necessary document, which, as I believe, was lacking on the part of the man." On the contrary, he believed that nothing was lacking on the other side. The aforementioned document was, he said, presented to him before the marriage, "but I was not a little suspicious of it, having doubts either about its authenticity or its validity. It was not a document from the Episcopal Curia, but, as I believe, a letter,

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from a friend (in Burdigalae?) who affirmed that he had seen a priest who had granted the necessary permission." These (and other things, which will be discussed later) were written by the Parish Priest of Skrimsheere on February 8, 1900. However, his response from the year 1894 was much more precise, when, for the first time, he was questioned by the Reverend Secretary of the Vestmonasterien Curia, in his official capacity, regarding the marriage in question: "Mr. Henri presented a letter from a Curé of Bordeaux, which in fact simply stated that the Curé consented to the marriage. The mother of the young lady presented a declaration from a Vicarius of Paris, which stated that he knew of no obstacle to this marriage." The Parish Priest of Skrimsheere perfectly well knew that the consent of the Parish Priest of Burdigalae and the declaration of the Vicarius of Paris were in no way equivalent to a proper delegation. Therefore, in this matter, it seems that the Parish Priest of Skrimsheere approached the Westmonasterien Curia, so that it could provide a swift and appropriate solution: "A request, said the secretary, was sent from our Archdiocese to the Archdiocese of Paris for a formal delegation, which came in these words: You may marry the young lady. According to what this priest, Mr. Skrimsheere, says, the request for the delegation was made by me (Canon W. Johnson, Secretary) and addressed to..."

[*Latin ed. p. 498*]

498 FROM THE HOLY COUNCIL, from an official of my acquaintance... I do not recall this request, but it is not strange that, amidst the multitude of affairs which burden me, I may have forgotten it." And still more firmly: "With the firm conviction that he has of what I have just recounted from his side, this Priest affirms very positively that the necessary authorization for the marriage was granted." And from this it is that, in the parish register, under the heading "Act of Marriage" Dufort-Ruffel, express mention is made: "The consent of each parish priest was obtained from France" (i.e., literally: "The consent of each parish priest was obtained from Gallia"), because the authorization sent from Paris seemed to have remedied the defects that were found in the letter and the declaration." All of these things, if compared with the assertions of the husband mentioned above, strongly suggest that the marriage was celebrated with at least one authorization, and therefore validly. First, I say, to the casual observer: for if the matter is examined more closely, inconsistencies, nay, falsehoods, are immediately revealed. In truth, the secretary of the Curia of Westminster reports what the parish priest Skrimsheere himself told him: "what I have just recounted from his side," as mentioned above; and thus it is inferred that the parish priest Skrimsheere, regarding the documents presented to him before the marriage, consulted the Curia to a considerable extent, according to his judgment, and awaited a regular authorization, requested from the Curia of Paris. But, alas! this is entirely false. The parish priest Skrimsheere did

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not consult the Curia at all, nor did he ask the Curia what to do in this case, as he himself later confessed: "Despite these doubts, albeit serious, which I did not fully disclose to the couple, I joined them in marriage, pressed by their insistence and, through culpable negligence and carelessness, I incurred their blame. Therefore, I acted in bad faith, and in a manner utterly unworthy of a pastor of souls. Furthermore, I acknowledge that I was to blame for not immediately consulting the archiepiscopal Curia, which is nearby."

[*Latin ed. p. 499*]

PARIS. "In the year 499, I did not delay any longer; for I considered it very distressing that this document (that is, the letter from the friend from Bordeaux concerning the consent of the Parish Priest) would be ratified by the Secretary." Therefore, it is also false that the Secretary of the Vestmo nasterien from Paris, as the Parish Priest initially asserted, sent a delegation, and consequently, the response given by that Curia is false, which, due to its exceedingly unusual wording, scarcely – and indeed, hardly – seems credible. And the same Parish Priest, completing his confession with commendable sincerity, acknowledges that the matrimonial act in the parochial registers, with regard to the alleged delegation, is spurious: "The words cited in the matrimonial records (namely, 'The consent... as mentioned above') were added by my hand, not at the time of the marriage, but later, after the investigation had begun. Therefore, they have no value as evidence." Nevertheless, I believe that a certain doubt still remains, due to another statement made by the aforementioned Parish Priest, namely: "With regard to the documents of the other party, I believe that I had no difficulty." Hence, the other party, that is, the bride, should rightfully be presumed to have presented genuine documents, in accordance with canonical prescriptions. The plaintiff asserts that, on her part, one document was presented, namely, "her certificate of studies. Mr. the Curé, not knowing French, believed Mr. Henri on his word"; but this contradicts the assertion of the Parish Priest, who, not being ignorant of the French language, would never have accepted a certificate of studies as proof of baptism or as a parochial delegation: "He says that, at that time, he was not ignorant of the French language." Furthermore, according to the previous oral testimony of the Parish Priest, the mother of the plaintiff "presented a declaration from a Vicar of Paris who said that he knew of no obstacle to this marriage"; and this is all the more likely because, as is said, the Vicars of Paris, in matters concerning the celebration of marriages, are usually very diligent. But this assertion and presumption are refuted by contrary facts, for: a) The groom, hurrying along towards Angliam,

[*Latin ed. p. 500*]

500. FROM THE SACRED COUNCIL, they presented no document

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whatsoever, with the Actress and her husband attesting; b) These individuals, arriving in Paris before noon, departed again that same afternoon, as testified by that friend, Remoiville, who received them as guests, and therefore, they could not possibly have obtained said document from any Vicar; c) Although a document was presented, but not conceded, which purportedly came from a certain Vicar, indeed, a Vicar of the parish of the Bride, stating that he recognized no impediment to the marriage, such a declaration cannot be considered in place of a regular delegation; d) The Secretary of the Curia of Westminster states that a delegation was issued by one of the Officials of the Parisian Curia; therefore, not by any Vicar; e) Finally, the parish priest of Skrimsheere, in his subsequent declaration, confesses that he was misled, before his own Curia, and applied "circumstances to the marriage in question which, in fact, pertained to other marriages, which also originated from Gallia." Hence, the Secretary of Westminster, most deservedly, observed that he was entirely unaware of this marriage, and that in his prior response to the Parisian Officiality, he presented the circumstances of the alleged delegation in good faith, relying solely on the parish priest of Skimsheere, who had deceived him (inadvertently or fraudulently). Therefore, up to this point, there is no trace of a delegation. And if we cannot find a Delegate, will we at least find someone who delegated? This final inquiry, although perhaps futile, must be concluded in a few words. As already stated, the Actress was a parishioner of St. Peter of Montmartre. This parish has been administered since the year 1890 by the Reverend L. A. Sobeaux, who, after being thoroughly questioned, stated: "— These questions of marriage, according to diocesan regulations, are handled by the first Vicar, who refers them to the Curé in important or doubtful cases. If I was involved in this matter (of which we are discussing), it could only have been because Mr. Gandilhon, the first Vicar, asked me for advice, but I have no recollection of it, and I reject it." And he adds: "I very much..."

[*Latin ed. p. 501*]

PARIS. Rarely are delegations granted for matters concerning foreigners, and therefore, for London. However, I recall seeing one granted for a case completely unrelated to the present one. From this testimony of the parish priest, it cannot be affirmed, as is evident, that a delegation was granted, but neither, if I am not mistaken, can it be absolutely denied, since it may have been granted by the First Vicar. Therefore, we must listen to this testimony, for it is entirely conclusive: "During the seventeen years in which I was First Vicar, I never granted a delegation for matters concerning foreigners. I never requested such delegations from my various parish priests. Therefore, I certainly did not grant one for the marriage in question." Furthermore, after thorough investigation, and indeed, not once but repeatedly, of the parochial books of marriages, it was discovered

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that no publication or registration had been made in the parish of Saint Peter, and that no delegation had been issued concerning this matter. And this is sufficient concerning the testimony of the parish priest. But did the very Parisian Curia perhaps directly transmit a delegation, as the husband suggests? This doubt is also dispelled by the fact that, after searching the archives of the Curia, no trace of a delegation for this marriage could be found. Finally, let us turn to Bordeaux. Before proceeding, two points must be noted, which preclude any assertion of a delegation from Bordeaux: a) The husband steadfastly alleges a delegation from the parish priest of Saint Louis. However, as has been stated, he, being domiciled on the street Lafaurie Monbadon, was a parishioner of another parish, namely, that of Notre-Dame. Would the parish priest of Saint Louis grant a delegation for a man who was not subject to him? And if, by absurd supposition, he did grant it, what validity could such a clandestine delegation possess? b) By practice, long established and almost universally observed throughout Gaul, a delegation, if requested, is not granted by the parish priest of the groom, but by the parish priest of the bride or by the proper Ordinary. Now, more directly: 7

[*Latin ed. p. 502*]

502. The Curia of Bordeaux duly testifies that it "found no trace of any delegation granted by the Archbishop's office for this marriage." The parish priest of the parish of Notre-Dame, the Reverend Guicheteau, initially testified to the contrary, but his successor, after examining the parochial records, declared that these records "contain no trace of this future marriage." It is certainly not surprising that no trace is found there, if, as the husband testifies, a delegation had been requested from another parish. Furthermore, both the Bordeaux and Paris archdioceses have a practice, which prevails in many dioceses of Gaul (and in some is imposed by force of synodal statutes), by which parish priests never grant a delegation for contracting marriages in foreign regions, and much less an indefinite delegation, as in this case, without the consent of the Ordinary. In summary: The actress, duly sworn, denies having requested or obtained any delegation. Her denial is corroborated by the testimony of the witnesses. On the other hand, the husband brings forward not one, but two delegations, which, even if we were to suppose, contrary to all reason, that they were granted, would undoubtedly have no validity. The parish priest to whom the previous narratives, previously recounted orally and, to put it mildly, erroneous, were related, later retracts them, although not under oath, and precisely confesses, in the presence of the Curia, from which alone the sole difficulty of this case depended, that no such delegation existed. The parish priest from whom, or from the bride herself, a delegation is claimed to have been given, affirms that no such delegation was given or requested. The parish priest from whom, or from the groom

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himself, no trace of the marriage was found in the records. Neither Curia granted its own delegation. Moreover, I believe that the testimony of a seventh-hand source may be lacking in reliability as to the veracity of the actress or the facts in this case: for, as is evident, this case does not concern some secret impediment known only to the spouses.

[*Latin ed. p. 503*]

PARIS. 503 But concerning an external impediment, legal in nature, based on a fact that exists or does not exist, which, therefore, can and ought to be demonstrated independently of the truthfulness or honesty of the parties involved. Therefore, having carefully considered these matters, to the best of my ability, and given that there is no doubt, not even the slightest, concerning the domicile of both spouses in Gallia, nor concerning any domicile or quasi-domicile acquired in London, nor concerning any delegation granted by a parish priest or proper ordinary, I believe that, despite the serious deficiency in the evidence, namely the omission of the oath on the part of the parish priest of London, the principal witness, it must be concluded that the marriage is null in the case of clandestine marriage.

OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE, BY OFFICE. Martha of Paris accuses the marriage, based on the grounds of clandestine marriage, which she contracted on August 10, 1892, with Henry, of the diocese of Burdigala. However, the cause of the accusation is that the marriage was celebrated in Tondini, in the church of the Body of Christ, before the parish priest Skrimshire, who was neither the proper parish priest of either party, nor had he received a delegation from either of the respective ordinaries or parish priests. Furthermore, if Martha speaks the truth, certainly nothing would be to be objected; for today, after the Instruction of the Holy Office of December 14, 1859, it is decreed that the Tridentine Council directly affects not only territory but also persons; and therefore, it is binding even in places where it has not been promulgated, with regard to persons who are subject to that decree, and who do not have a domicile or quasi-domicile in those places. But is it truly certain that the priest Skrimshire, while presiding at the aforementioned marriage, was not endowed with a proper delegation? The matter, as will become clear from what follows, is at least doubtful, and therefore, there is ample reason to apply the principle that in cases of doubt, one must rule in favor of the validity of the marriage. "For, as Innocent III says (Chapter 47, De testibus et attesi.), it is more tolerable to allow some to be joined together contrary to the laws of men, than to separate those who have been lawfully joined together contrary to the laws of the Lord."

[*Latin ed. p. 504*]

504 FROM S.C. The entire question, as I have indicated, revolves around

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the case of the delegation. Indeed, this fact is confirmed by the following testimonies. The husband, under oath, stated: "We were married in the church of the Holy Sacrament. The priest who married us did so only after we had given all our documents to the Archbishopric of London, which required the delegation from our two respective pastors. The delegation was given by our two respective pastors." The parish priest of Skrimshire, who blessed the marriage, when questioned officially by the secretary of the Vestmonasterien Curia in 1894, replied: "Monsieur Henri presented a letter from a priest of Bordeaux, which in fact simply stated that the priest consented to the marriage. The mother of the young lady presented a declaration from a Vicar of Paris, which stated that he knew of no obstacle to this marriage." "Since neither the letter nor the aforementioned declaration appeared to be a canonical delegation, a request was sent from our Archbishopric to the Archbishopric of Paris for a formal delegation, which arrived in these words: 'You may marry Mademoiselle Marthe.'" The aforementioned secretary adds: "With the firm conviction that he is accurate in what he has recounted, this priest affirms very positively that the necessary delegation for the marriage was given. He added to the marriage certificate the words: 'The consent of both pastors was obtained from France, because the delegation sent from Paris seemed to have remedied the defects that were found in the letter and the declaration of which I have mentioned.'" Regarding the moral character of the parish priest of Skrimshire, the same secretary wrote to the Apostolic Prefect of Cayenne: "This priest left England in 1898, and retired (I believe) to a monastery, or religious house or ecclesiastical institution, where he lives very saintly." "All of these things, to use the words of an eminent theological consultant, if they are compared with the assertions of the husband, the marriage..."

[*Latin ed. p. 505*]

PARISIAN. 505, it strongly suggests that it was celebrated with at least one delegation, and therefore validly. However, the esteemed theologian does not definitively conclude this, and the Reverend canonist consultant agrees: they believe that the aforementioned testimonies are completely outweighed by other, more serious testimonies, and therefore, in the absence of a delegation, the marriage in question suffers from nullity. Regarding this, having omitted the testimony of the actress, whose veracity they do not undeservedly suspect, they rely on the testimonies of the Parisian Curia and the Burdigalen Curia, as well as a written deposition given by the parish priest of Skrimshire. And concerning the Parisian Curia, they allege that the testimony of the parish priest of Marthe and the first vicar of the same parish asserts that no delegation was given by them, in this case. But this testimony is not relevant to the matter; for here it is a question of a faculty directly granted by the Parisian Curia to the Vestmonasterien Curia. They allege 2° a letter from the Reverend Monlezun, the official of

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the diocese of the Parisian Curia, to the Most Reverend Prefect of the Sacred Congregation, in which it is stated that no delegation is given by that Curia in London "except to the Reverend Canon Thonson, the Archdiocesan Chancellor, with the faculty of delegating." But, in this case, according to the deposition of the priest Skrimshire, the delegation was precisely given to that canon. However, he does not expressly exclude it, as the aforementioned letter suggests, but rather readily admits it. Furthermore, what is added in the same letter, that no trace of this delegation is found in the archives of the Curia, is not sufficient argument to invalidate the testimony of a credible witness, especially since, with regard to marriage, the parish priest is such a witness, particularly when the witness of this kind is commended by the sanctity of his life. Even less valid are the testimonies of the Burdigalen Curia. Indeed, in this regard, the priest Skrimshire cites only "a letter from a parish priest of Bordeaux, - the parish priest of the groom, which in fact simply stated that the parish priest consented."

[*Latin ed. p. 506*]

506 FROM THE HOLY GENERAL COUNCIL on marriage. Those who, however, were the parish priest of Bordeaux – the only competent witness in this case – having passed away shortly thereafter, could not be questioned in the present judgment. Furthermore, the aforementioned eminent consultants allege a new written deposition from the Reverend Skrimshire, dated in the year 1900, which appears to contradict the aforementioned deposition of the same priest from the year 1894, and to invalidate it. However, if one considers this new deposition to be full of hesitations; to have been given eight years after the celebration of the marriage; for the priest, Skrimshire, to have been unwilling to swear to it – "I find it impossible to swear" –; and for him to have made this deposition while being greatly troubled by scruples, and while remaining hidden from all, except for one intimate friend through whom this deposition could be obtained, it will be readily apparent to everyone that such a document is nothing other than the fabrication of a troubled mind, and therefore has no value against the first, firm, clear, and coherent deposition, made scarcely two years after the marriage, and when the deponent was enjoying the perfect use of his faculties. From all of the above, it follows, if I am not mistaken, what I stated earlier, that the delegation, in this case, is at least probable, and therefore, concerning the validity of the marriage, of which we are speaking, according to the aforementioned principle, in cases of doubt, one must adhere to the presumption in favor of the validity of the marriage, and there should be no ambiguity. With these premises stated, the purpose was to determine whether there exists a case of nullity of the marriage based on the grounds of clandestine marriage. RESOLUTION. The Holy Congregation, after de-

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liberation on March 1, 1902, decided to respond: Affirmative.

[*Latin ed. p. 507*]

LISBON. 507 LISBON. Summary of questions which were submitted to the judgment of the Holy Congregation on December 14, 1901. (I). I. Whether conventual Masses, even if only two or three are celebrated, must always be sung in the Patriarchal Church of Lisbon? (Restrictions of fact and law §§ 4 to 11 and 13) (2). And if the answer is negative: a) Is it permissible for the Claviger (key-bearer) and the Ceriferarius (thurifer) to intervene during the readings at conventual Masses? (Restrictions §§ 15 to 20) (3). b) Is it permissible in the same conventual Masses during the readings to place the chalice and the Missal upon the altar, and to remove them from the altar before the Mass is completed? (Restriction § 23) (4). c) Is the use of a basin and ewer of silver permitted in the same conventual Masses during the readings, as is the case in episcopal Masses? (Restrictions §§ 24 to 27) (5). d) Can a priest intervene in the same conventual Masses during the readings, either as master of ceremonies, or as an assistant, or as a server, in place of a server? (Restrictions §§ 28 to 32) (6). And if the answer is affirmative: a) Is it permissible for the Ceriferarius to intervene simply with singing without ministers in conventual Masses, and for the Claviger in solemn Masses with ministers? (Restriction § 16) (7). (1) Note: The question to be elucidated regarding custom in liturgical matters was already reported in Volume XXXIV, 289. (2) For each of the questions submitted to the judgment of the Holy Congregation, it seems appropriate here to provide an answer, dated December 14, and to support it with Pontifical Constitutions or Rubrics or Decrees of the Sacred Congregation: so that the general answer "The common law, the Rubrics, and the Decrees of the Sacred Congregation must be observed," presented by the Holy Congregation to all and each of the proposed questions, may in some way become specific, and that what is to be observed in practice may be clearly indicated. Therefore, the answer to the first question proposed is: Affirmative. This is clear from Const. Benedict XIV, Cum semper oblata: from the authority of Quarti, p. I, title 3, section 1, dub. i; Pasqualigo, q. 882; De Herdt, Prax. Capit. Cap. XXVII, § 5; Ferraris, Bibl. Can. ad voc. Canonicus, art. V, n. 66 et seq. From the Decrees of the Sacred Congregation, n. 404 ad 3, 431 ad 2 et 3, 603, 970 ad 4, 2960 ad 4, 3597 ad 6, 3627 ad 2, 3722 ad 4, 2331 ad 11, 552, 2427 ad VII, 691, 292, 480, 925, 1819, etc. (3) Provision in the first negative answer. (4) Likewise, provision as above. (5) Likewise, provision as above. (6) Likewise, provision as above. (7) Negative to both. This is clear from Conc. Trid. Sess. XXII, De dbserv. in celebr. Missarum; from Const. Pii Pp. V Quo primum Missali praemissa, and

[*Latin ed. p. 508*]

508 FROM THE HOLY GENERAL COUNCIL b) Whether the use of

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silver chalices and patens is permitted in conventual, or chanted, or solemn Masses? (Restrictions §§ 24 to 27) (I). II. Whether the privileges arrogated by the Patriarchal Chapter in the use of insignia, in the performance of pontifical functions, in the service of the choir and altar, and in particular: a) The use of the mantle: the use of choral insignia, specifically, not for the head, outside the Church and Diocese (Restrictions § 44, Ephemeris Liturgicum, year 1901, no. 1, question VI, page 40) (2). b) The use of shoes, sandals, and gloves ornamented with gold and silver, of a precious mitre, of a cope, of a stole: the rite of tasting the bread and wine: the attendance of a Beneficiated person wearing a surplice: "Peace be with you" for "The Lord be with you," and the triple blessing in Masses, Vespers, and Lauds, celebrated pontifically (Restrictions, ibid., Ephemeris Liturgicum, no. 1, page 31) (3). c) The celebration of pontifical functions outside the Patriarchal Church, without the attendance of the Chapter, and the celebration of pontifical functions for the dead (Restrictions, ibid., Ephemeris Liturgicum, no. 1, pages 36 and 39) (4). d) The use of the patriarchal stole, proper for the dignitaries of the Chapter (Restrictions, ibid., Ephemeris Liturgicum, no. 1, page 37) (5). From the rubrics, which are silent on the aforementioned rites in the case where thuribles are required in the solemn Mass, and implicitly reject both rites in a simply chanted Mass. (1) Negative. This is evident from the rubrics of the Missal, Title XX, On the preparation of the altar, title VII, no. 10: from the Decrees, no. 2310 to 4, 1131 to 21, 2624 to 11, in fine. (2) Negative in all cases. This is evident from the Bull "Quamvis aequo" and from the Brief "Iam inde ab anno," which regulate the privileges of the canons of Lisbon; from the Decree of the Executor of the aforementioned Brief, "Iam inde ab anno," which is completely silent on the mantle and grants other insignia to the canons only when they are proceeding in a capitular manner. Also, from the Decrees of the Holy Roman Congregation, 2579, 2578 to 2 of 3 additional doubts, 3104 to 12, 3784 to 3. (3) Negative in all cases. This is evident from the Brief of Pope Pius IX, 1855, which, while granting insignia privileges to the dignitaries of Lisbon, limits them, and orders that they be observed; from the Decrees of the Holy Roman Congregation, 2418 to V, 1, 5, 8; 1131 to 8; from the authority of Bauldry, Catalani, De Herdt, in their "Practica pontificia," vol. 1, no. 51, letter a; from the Decrees of the Roman Pontiffs, no. 2624 to 4, 8 and 16; 2418 to 1, 4, 5, 6, 7 and 8; 1728 to 3 and 10; 3765 to 1, 2 and 3. (4) Negative in both cases. This is evident from the Decrees of the Holy Roman Congregation, 2418 to 11; 1131 to 5; 1728 to 2; 2624 to 12 and 13. (5) Negative, from the Decrees 2624 to 4, 5 and 8.

[*Latin ed. p. 509*]

LISBON. 509 e) The use of pontifical vestments and the pallium in processions, even outside the Church, at the blessings of the Candles, the Ashes, the Palms, and the Font, in the administration of Baptism,

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and in other ecclesiastical functions (Rest. loc. cit. Ephem. Lit. n. 1, page 38) (1). f) The blessing of the Holy Oils, by the Auxiliary Archbishop or the General Vicar, performed in a private Mass, in the sacristy, with a reduced number of Deacons and Subdeacons, and without the attendance of Canons (Eph. Lit. n. 1, pages 42 and 51) (2). g) The presentation of shoes and sandals to the Patriarch, in a pontifical Mass, by the cross-bearer, in place of the Subdeacon, who does not assist while the Patriarch is putting on his sandals (Rest. loc. cit. Ephem. loc. cit. page 44) (3). h) The use of the annual ring with a gem in a private and solemn Mass (Rest. loc. cit.; Ephem. Lit. loc. page 44) (4). i) The assignment of places in the choir for the General Vicar and other present Bishops from the Epistle side (Rest. loc. cit.; Ephem. Lit. loc. cit. page 46) (5). k) The access of lay men and women to the sanctuary, even to the seats in the choir, during sacred functions (Ephem. Lit. loc. cit. page 47) (6). l) The celebration of Mass at Dawn, on the Nativity of the Lord, at the tenth hour of the day, without singing, or sung at the second hour after midnight (Ephem. Ut. loc. cit. p. 48) (7). (1) Negative in all cases. This is evident from Decree 2624, sections 8, which determines which vestments are to be used in each case, and not others, according to number 5. Also, from Decrees 2060, sections 1131 to 17; 1163, section 17. (2) Negative in all cases. This is evident from Decrees 3359 and 244; from the Rubric of the Pontifical, which requires and presupposes a pontifical, not a private, Mass: from Decrees 3044, section 2; 210, section 1; 159, 1225, 1896, 3984, 236. (3) Negative. This is evident from the Ceremonial of Bishops, Book II, chapter VIII, section 7; from Decrees 4015, sections 2 and 9, sections 1 to 14; 3228, section 3. (4) Negative. This is evident from Decrees 483, 536, 2907, section 5; 2079, section 8, 3218, 3580, 3820, as well as from others, such as 2583, section 6, 2805, etc. (5) Negative. This is evident from the authority of De Herdt, *Practices of the Pontiff*, volume I, section Hi, a); from Decrees 2447, section 1, 1886, section 1, 442, section 1, 444, 790, 1046, 1109, 2064, 3214; also from the Ceremonial of Bishops, Book I, chapter 13, section 9. (6) Negative. This is evident from the Ceremonial of Bishops, Book I, chapter 11, section 12, and chapter 13, section 13; from Decrees 157, 1258, section 2, 3388, section 4, 275, 1288, 1792, 1838, section 1, 1849, 2462, 175, 802, 1593, 3549, etc. (7) Negative. This is evident from the Rubric of the Missal, title 15, section 4; also from Decrees 2631, section 1, and 2778, considered together.

[*Latin ed. p. 510*]

510 FROM THE HOLY GENERAL COUNCIL m) The sound of the organ on the fourth, fifth, and sixth days of the Holy Week (Ephemerides Liturgicae, cited above, page 50) (1). n) The recitation of Vespers in the choir, one half-hour after midday, and on feast days, the anticipation of Matins and Lauds at the hours of the preceding day (Restitution, page 47, § 44) (2). o) A bow, in place of a genuflection, at the last part of the

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Pontifical Mass, when the Sacrament is present upon the altar (Restitution, cited above; Ephemerides, cited above, page 51) (3). p) The omission of the Mass for the Dead, on the first day of the month, without impediment, of the penitential Psalms and Graduals, and of the Little Office of the Blessed Virgin Mary (Restitution, cited above; Ephemerides Liturgicae, cited above, page 52) (4). q) The use of the formal veil (Restitution, cited above; Ephemerides Liturgicae, cited above, page 52) (5). r) The use of the rochet with the mozzetta when attending a private Pontifical Mass (Ephemerides Usu, cited above, page 50) (6). s) The use of incense, with a single thurible, by those vested in sacred vestments and the pluvial (Ephemerides Usu, cited above, page 51) (7). t) The solemn exposition of the Most Holy Sacrament in the ostensorium before the door of the Tabernacle (Ephemerides Lit., cited above, page 51) (8). u) A procession within the sanctuary itself after the singing of Terce, on the occasion when the Ordinary celebrates a Pontifical Mass (Ephemerides Lit., cited above, page 53) (9).

(1) Negative. This is established by the Ceremoniale Episcoporum, book I, chapter 28, number 2; by the Decrees 3804 ad 2, and 4044 ad 1.

(2) Negative. This is established by the Institutiones of Benedict XIV, by the authority of all moral theologians, and also by the Decrees of the Sacred Congregation, 2604, 2834 ad 1, 64, 67, 71, 3340, and by Benedict XIV, De Synodo Dioec., book 13, chapter 9, number 13.

(3) Negative. This is established by the Ceremoniale Episcoporum, book I, chapter 21, number 3; and by the practice of all churches.

(4) Negative. This is established by the Bull of Pope Pius V, Quod a nobis, preceding the Breviary, by the Rubrics of the general Missal, title V, number 1, as well as by numerous Decrees of the Sacred Congregation, 1154, 2657, 3129, 2928, 3856 ad 1, etc.

(5) Negative. This is established by the Ceremoniale Episcoporum, book I, chapter 7, number 1; also by the Decree of the Sacred Congregation, 2425 ad 9.

(6) Negative. This is established by the Decree of the Sacred Congregation, 3804 ad 1.

(7) Negative. This is established by the Decree of the Sacred Congregation, 3280, 2049 ad 20.

(8) Negative. This is established by the custom of all churches, and by the Ceremoniale Episcoporum, book II, chapter 33, numbers 24, 27, and 33. Compare De Herdt, Prax. Pontif., cited above.

(9) Negative. This is established by the Decree, 3228 ad 1.

[*Latin ed. p. 511*]

LISBON. 511 v) The use of the violet stole by Masters of Ceremonies, when officiating at functions not pertaining to the Chapter and outside the

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Cathedral (1). x) The refusal to assist the Auxiliary Archbishop, as Vicar General, in functions requiring episcopal order, and in the celebration of the Pontifical Mass for the Most Reverend Patriarch (Ephemerides Liturgicae, cited above, page 51) (2). y) Whether the Decree of the Roman Pontiffs, no. 2624, should generally be applied in all its parts to the canons of the Patriarchal Church of Lisbon, concerning the use of pontificals, except for the use of the faldstool, which was permitted to them by the Brief of Pope Pius IX, dated from the year 1855 (Ephemerides Liturgicae, cited above, page 30) (3). III. Whether the statutes of the Chapter should be observed, even in those parts which are contrary to common law (Restitutio facti et iuris, §§ 12) (4). IV. Whether the Decree of the Most Reverend Patriarch, dated February 5, 1898, should be confirmed, or revoked (Restitutio, §§ 33 and 36) (5). (1) Negative. This is evident from Decree 2310, §§ 3, and 2611, § 12; also from the response of the Sacred Roman Consistory to question 2 concerning the choral habit of the Master of Ceremonies, dated April 3, 1900, for the Diocese of Vicenza. (2) Negative. This is evident from Decrees 3984, §§ 1 and 2; 159, 236; also from the correct understanding, since the Archbishop performs the functions of the Most Reverend Patriarch. (3) Affirmative. This is evident from the aforementioned Decree of the Roman Pontiffs, no. 2624, in which Pope Pius VII wished to clearly define what legal implications are involved in the use of Masses and Pontificals, and other similar insignia, by which certain collegiate churches are enriched. (4) Negative. This is evident from the response of the Sacred Congregation of the Council, dated December 14, 1901: "Common law, rubrics, and Decrees of the Sacred Roman Congregations must be observed"; therefore, anything found in the statutes of the Chapter which is contrary to common law is null and void, and the choir members cannot in any way be bound to observe it, even if they have promised to observe the statutes (Decretalium, Lib. II, tit. XI, cap. I, in Sexto). (5) Negative to I. Affirmative to II. This is evident from the same response of the Sacred Congregation of the Council, which states that the rubrics and Decrees of the Sacred Roman Congregations must be observed. However, the Decrees of the Sacred Roman Congregation require that neither canons nor ordinaries resolve doubts concerning the service of the choir, or liturgical matters, contrary to what the Decree of the Most Reverend Patriarch establishes, namely that recourse must be had to the same Sacred Congregation (Decrees 2621, § 1; 179, § 1; and 2425, § 14); therefore. 2. Furthermore, the Decrees require that all choral Masters of Ceremonies obey in the performance of their functions (Decrees 2578, § 10; 3611, § 7), contrary to what the Most Reverend Patriarch decrees in the aforementioned Decree, namely that the Masters of Ceremonies should be subordinate to the more distinguished choir members; therefore. 3. Furthermore, the rubrics of the Ceremonies of Bishops require that all chapter members obey all those who officiate in matters pertaining to the divine cult without contradiction (Lib. I, cap. V,

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no. 5), contrary to what the aforementioned Decree of the Most Reverend Patriarch prescribes; therefore.

[*Latin ed. p. 512*]

512 FROM THE APOSTOLIC PENITENTIARY: A QUESTION regarding the validity of absolution due to a lack of jurisdiction. The statutes of the archdiocese of Mechlin and the diocese of Tournay stated: 1. "No one, except the confessor, whether ordinary or extraordinary, can validly hear the sacramental confessions of religious of any kind living in a community, in a monastery, unless with the prior permission of the Ordinary." 2. "Confessions of nuns who are absent from the monastery for a few days may be heard in churches, etc., by any approved confessor for both sexes." Thus, the statutes of Tournay, and those of Mechlin are almost identical, except that in the latter, the phrase "for a few days" is replaced with "for a time." Given these circumstances, Titius receives letters from the Bishop of Tournay, in which he is authorized to hear the confessions of persons of both sexes, but not of religious. Titius performs the duties of a confessor in a public church, and afterwards, joins the faithful. A certain Sister, as is said, belongs to a community in the city in which Titius hears confessions, but she had left her monastery at that hour to attend to some business. For in many institutions, it is customary for the Superior to grant permission to go out for the day. Titius hears the confession of this Sister and absolves her. Afterwards, he began to doubt whether he had validly granted absolution, or, on the contrary, whether this absolution was invalid due to a lack of jurisdiction. Since cases of this kind can easily recur, and, in view of the value or invalidity of such a sacramental judgment, the duty of inquiring into the condition of religious who have entered a public church to confess must be determined, therefore, the petitioner humbly approaches Your Eminence, requesting that the following question be resolved: Whether Titius, in this case, validly absolved the aforementioned religious, or whether he lacked the required jurisdiction? And if he did not validly absolve her, how should he act in the future if he notices a nun among the penitents; that is, what should he inquire about regarding the circumstances in which she is involved when she approaches the confessional? The Apostolic Penitentiary responds as follows: Considering the aforementioned statute, Titius validly absolved her; concerning the questions to be asked, however, unless a prudent suspicion arises that the penitent is illicitly confessing to him, he may abstain from the aforementioned questions. Given in Rome, in the Sacred Penitentiary, on the 7th of February, 1901. B. POMPILI, Secretary of Grace. CELLI, Substitute.

[*Latin ed. p. 513*]

513 APOSTOLIC LETTER from the Most Holy Pope Leo XIII, by divine providence, to all the Patriarchs, Primates, Archbishops, and Bishops of the

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Catholic world. LEO, POPE XIII. To our Venerable Brothers, with Apostolic Benediction. Having reached the twenty-fifth year of our apostolic ministry, and marveling at the path traversed amidst cares and incessant labors, we are naturally drawn to raise our thoughts to God, who has deigned to grant us, among so many benefits, also a duration of pontificate which scarcely finds an example in history. To the Father of all, to Him who holds in His hands the secret of life, let the hymn of thanksgiving rise, as a living need of the heart. Certainly, no human mind can comprehend the entirety of the divine counsel concerning so prolonged and opportune a length of years, and we cannot here recount all; but one thing we know well, and that is that, if He wills to preserve this our existence, it is incumbent upon us to live for the honor and increase of His immaculate Spouse, the Church, and to not be dismayed by the solicitudes and labors, but rather to dedicate to this purpose the last remnant of our strength. After such a tribute of gratitude is due to our Father who is in heaven, to whom be glory and honor forever, it is pleasing to us to turn our thoughts and words to you, O Venerable Brothers, called by the Holy Spirit to govern and elect portions of the flock of Jesus Christ, and who, for this very reason, share with us in the struggles and triumphs, the sorrows and the joys of our pastoral ministry. No, we will never forget the many and illustrious proofs of religious obedience that you have rendered to us throughout the course of our pontificate, repeatedly and with such loving devotion in the present circumstances. Closely bound to you by duty and paternal affection, these devoted testimonies of yours are most welcome to us, not so much for what pertains to our person, as for the high honor.

[*Latin ed. p. 514*]

514 APOSTOLIC LETTER: The meaning of this is that adherence to this Apostolic See signifies the center and foundation of all other Sees of the Catholic world. It is now more than ever necessary that all the ranks of the Church be closely united in charity, in the same mind and purpose, so as to form one heart and one soul. Who can fail to recognize how vast a conspiracy of forces is today aiming to overthrow and destroy the great work of Jesus Christ, attempting with a persistent and boundless effort to destroy within the intellectual order the treasure of heavenly doctrines, and to subvert within the social order the most sacred and salutary Christian institutions? In Maienfeld, you yourselves experience these things daily, and you have often manifested your concerns and anxieties, lamenting the flood of prejudices, false systems, and errors that are spreading among the multitudes. How many snares are laid everywhere for believing souls! With how many obstacles is the beneficial action of the Church sought to be weakened and, if possible, rendered null? And yet, as if to add insult to injury, the Church itself is accused of not being able to regain its former virtues and of failing to restrain the dark and invasive passions that

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threaten utter ruin. We would gladly linger on a more cheerful topic, one that would better harmonize with the joyful occasion that moves Us to speak with you. But We are burdened by the grave pressures of the Church, which demand immediate relief, and by the conditions of contemporary society, which, through the abandonment of great Christian traditions, is already suffering morally and materially. For, as Providence, confirmed by history, has shown, the great principles of religion cannot be shaken without disturbing the foundations of civil prosperity. Under these conditions, it is beneficial to consider the war that is waged against the Church, to examine its origins, its causes, its various forms, to recognize its disastrous consequences, and to point out the remedies. Therefore, although We have said this many times before, We raise Our voice again, not only for Our devout sons of the Catholic faith, but also for the dissenters, and even for the unbelievers, for all are children of the same Father, and are ordered to the same good.

[*Latin ed. p. 515*]

APOSTOLIC LETTER 515. We, who are about to depart from this world and approach the gates of eternity, desire to impart to you, with fervent hope and with the wish for your common well-being, this testament. The Holy Church of Christ must, at all times, endure struggles and persecutions for the sake of truth and justice. Established by Him Himself to propagate the Kingdom of God throughout the world, and to guide the fallen human race to a supernatural destiny, namely, to the acquisition of the eternal goods promised by God, which are beyond our strength, it has necessarily encountered the passions that flourished in the wake of the ancient decline and corruption, namely, against pride, avarice, and unrestrained love of earthly pleasures, and against the vices and disorders that spring from them, and which have always found the most powerful opposition within the Church. And let us not be astonished by these persecutions, since the Divine Master Himself foretold them as an example for us, and we know that they will continue as long as the world endures. For what did He say to His disciples, sending them forth to carry the treasure of His teachings to all nations? Everyone knows: "You will be persecuted from city to city, you will be hated and reviled for My name, you will be brought before tribunals and condemned to the highest sufferings." And, encouraging them in this trial, He presented Himself as an example: "If the world hates you, know that it hated Me before you: Si mundus vos odit, scitote quia me priorem vobis odio habuit (1)." Behold the joys, behold the rewards promised here. Surely, according to the criteria of a just and sensible estimation of things, no one could explain the motive for such hatred. Who ever offended, or in what way, did the Divine Redeemer merit? He, among men, moved by infinite charity, taught a doctrine immaculate, consoling, and most efficacious in uniting humanity in peace and love; He sought neither earthly grandeur

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nor honors, He usurped the rights of no one; rather, He was exceedingly merciful to the sick, the poor, the sinners, the oppressed, and His entire life was but a passage dedicated to generously bestowing benefits upon men. It must therefore be said that it was pure and excessive human malice, all the more deplorable the more unjust it was, that He, nevertheless, according to the prophecy of Simeon, became (1) Luke, II, 18.

[*Latin ed. p. 516*]

516. LETTERA: Verily, the sign of APOSTOLIC contradiction: *signum cui contradicitur* (1). How then should it marvel us if the Catholic Church, which is the continuator of its divine mission and the incorruptible depositary of its truths, met with the same fate? The world is always the same; alongside the children of God, there are constantly found the satellites of that great adversary of the human race, who, rebellious to the Most High from the beginning, is designated in the Gospel as the prince of this world; and therefore, the world, before the law, when anyone presents it in the name of God, feels rekindled within it an immeasurable pride and a spirit of independence to which it has no right. Ah! how often, in more turbulent times, have cruelty, most grievous injustices, and with evident damage to the entire social community, been joined together in a mad endeavor to overcome the divine work. And when one form of persecution failed, they attempted others. The Roman Empire, for long centuries, abusing its brutal power, scattered martyrs throughout its provinces, and bathed every clod of this sacred Rome with their blood; and heresy, in concert, now in disguise, now openly, with sophisms and snares, resorted to trials to at least break its harmony and unity. Following closely, like a devastating storm, came from the north the hordes of the Barbarians, and from the south, Islamism, leaving behind them ruin and desolation. And in this way, as the sad legacy of hatred against the Bride of Christ is passed down from century to century, a Caesarism arises, suspicious and tyrannical, jealous of the greatness of others, although it also benefited from it, incessantly renewing its assaults to trample on freedom and usurp rights. It grieves the heart to see so often the anguish and the untold sorrows. However, having triumphed over all obstacles, violence, and oppression, and constantly expanding its peaceful tents, saving the glorious patrimony of the arts, history, sciences, and letters, and deeply penetrating the fellowship of human society with the spirit of the Gospel, it formed precisely that civilization which is both Christian and beneficial to the nations, bringing to those nations that welcomed its beneficial influence, the equity of laws, and mildness (1).

(1) John 2:34.

[*Latin ed. p. 517*]

LETTERA APOSTOLICA 517: costumbres, la protección de los débiles,

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la piedad por los pobres y los infelices, el respeto por los derechos y la dignidad de todos, y, por lo tanto, en la medida en que es posible en medio de las tribulaciones humanas, esa paz civil que deriva del mejor acuerdo entre la libertad y la justicia. Sin embargo, incluso después de tales manifestaciones, prolongados y sublimes ejemplos de su intrínseca bondad, en la época más cercana a Nosotros, así como en la época intermedia y en la antigüedad, vemos a la Iglesia envuelta en luchas, bajo un cierto respeto, pero con dolores profundos. Por una serie de causas históricas bien conocidas, la llamada Reforma del siglo dieciséis, al levantar el estandarte de la rebelión, hirió a la Iglesia en el corazón, combatiendo ferozmente al Papado; y, al romper el vínculo de la antigua unidad de jurisdicción y de fe, que reunía a los fieles bajo el manto materno en un solo rebaño, duplicando la fuerza, el prestigio y la gloria de la armonía de los propósitos, introdujo en las órdenes cristianas una disgregación lamentable y perniciosa. No queremos decir con esto que, desde los primeros momentos, se tuvo la intención de expulsar del mundo el dominio de las verdades sobrenaturales; pero, al rechazar, por un lado, la prerrogativa del Sumo Pontífice, causa efectiva y conservadora de la unidad, y al establecer, por otro, el principio del libre examen, se sacudió desde sus cimientos la estructura del edificio divino, y se abrió el camino a infinitas variaciones, dudas y negaciones, incluso en materia de capital importancia, superando la previsión de los propios innovadores. Una vez abierto así el camino, surgió el orgulloso y burlesco filosofismo del siglo dieciocho, y fue aún más allá. Él puso en ridículo el sacro código de las Escrituras y repudió en bloque todas las verdades divinamente reveladas, con la intención final de extinguir en la conciencia de las naciones toda creencia religiosa, todo aliento de espíritu cristiano. De estas fuentes surgieron los funestos y letales sistemas del racionalismo y el panteísmo, del naturalismo y el materialismo, que, bajo una nueva apariencia, instauran errores antiguos, ya refutados victoriosamente por los Padres y apologistas de la Iglesia cristiana; y los orgullosos de las modernas épocas, por su propia voluntad, se niegan a ver, vanagloriándose con la jactancia gentil, alrededor de los atributos del alma propia y de las sortijas inmortales que la privilegian. La guerra contra la Iglesia adquirió, de esta manera, un aspecto de mayor gravedad que en el pasado, no menos por la vehemencia.

[*Latin ed. p. 518*]

518 APOSTOLIC LETTER concerning the universality of the assault. For the present disbelief does not stop at doubt or the denial of this or that truth of faith, but attacks the entire complex of principles consecrated by revelation and supported by sound philosophy: those sacred and fundamental principles which teach man the supreme purpose of his existence, which contain the true, which instill courage and resignation, and which, promising incorruptible justice and perfect blessedness beyond the grave,

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teach him to subordinate the temporal to the eternal, the earth to the heavens. And what replaces these dictates, these incomparable consolations of faith? A terrifying skepticism which chills the hearts and stifles every noble aspiration of the mind. And these pernicious doctrines, alas, as you see, Venerable Brothers, have passed from the realm of ideas into external life and public affairs. Great and powerful states are constantly putting them into practice, believing that they are thus leading the progress of civil society. And almost as if the public authorities were not obliged to embrace and reflect in themselves all that is most wholesome in moral life, they consider themselves free from the duty of publicly honoring God; and it often happens that, being indifferent to all religions, they oppose the one established by God. From this system of practical atheism, a profound disturbance of the moral order necessarily follows, and has followed, for religion is the principal foundation of justice and honesty, as was also recognized by famous men of antiquity. For when the bonds that bind man to God, the absolute and universal legislator and judge, are broken, there remains only a semblance of morality, purely civil or, as they say, independent, which, disregarding eternal reason and divine precepts, inevitably leads, by its very nature, to the ultimate and fatal consequence of making man the law to himself. And this man, unable to cling to the supreme goods on the wings of Christian hope, will seek only a temporal satisfaction in the sum of his forgotten duties and the torments of life, inflaming his thirst for pleasures, his greed for riches, his avarice for rapid and immoderate gains without regard for justice; he will inflame his ambitions, and the mania to satisfy them, even illegitimately; and finally, he will generate contempt for the laws and the public good.

[*Latin ed. p. 519*]

LETTERA APOSTOLICA 519: Autorità, una licenza generalizzata de costumi, quae verum decorem civitatis detegit. Numne nimis tristemur de consequentiis perturbationis dolorosae? Sed realitas, quae tactu sentitur, etiam confirmationem praebet de reductionibus nostris, et visibile est quod, nisi corrigatur in tempore, fundamenta vitae civilis vacillabunt, et ipsi principes aeterni iuris et morum erumpentur. Ideo graviter omnes partes corporis socialis patiuntur, incipiens ab familia. Nam civitas laica, sine consideratione finium aut scopum essentialem suae potestatis, manum extendit ad sanctificandum vinculum coniugale, privans illud characteris religiosi, et, quantum potuit, invaserat ius naturale parentum in educatione prolis, et in multis locis subvertit stabilitatem matrimonium, sanciendo per legem malitiam divortium. Et quis ignorat quae fructus sint eius, multiplicantur ultra omnem modum casus matrimonium, non aliter maturati quam a passionibus ignobilibus, et ideo mox dissoluti, vel degenerantes in tragicos luctus, vel infidelitates scandalosae; et non dicamus de prole innocente, neglecta

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vel pervertita a malis exemplis parentum, vel veleno, quod civitas officialiter laica ei infundit. Et cum familia perit, ita etiam ordo socialis et politicus, maxime propter nova placita quae iustum conceptum potestatis supremae mutaverunt. Nam cum auctoritas regendi formaliter ex consensu multitudinum oriatur, non ex Deo, principio supremo et aeterno omnium potestatum, ea coram subiectis suum praestantissimum characterem amittit et degenerat in artificialem dominationem, fundata in fundamento instabili et mutabili, sicut voluntas hominum. Numne enim effectus eius in legibus publicis conspiciuntur? Leges saepe, praeter legem scriptam, tantum vim numericam et praevalentem voluntatem partis politicae repraesentant. Proinde appetitus licentes multitudinum blanduntur, et freno laxatur ad passiones populares, quamquam disturbantes operam et tranquillitatem civitatis, nisi postea, in extremis casibus, ad extremae vires et sanguinis effusionem recurratur. Similiter, cum Christianae influentiae, in quibus virtus fraternitatis gentium coniuncta est, et quae eas colligant quasi in magna familia, repudiaverunt, paulatim in ordo...

[*Latin ed. p. 520*]

LETTERA APOSTOLICA: Un sistema di egoismo e gelosia, per cui le nazioni si guardano reciprocamente, non con amore, ma con risentimento, e spesso con diffidenza, è stato instaurato. Le menti di coloro che sono coinvolti in questo sistema sono facilmente tentate a mettere da parte i concetti più alti di moralità e giustizia, e il sostegno ai deboli e agli oppressi, poiché, nel desiderio di aumentare le ricchezze nazionali senza alcun limite, l'opportunità e l'utilità del successo, e la fortuna dei risultati ottenuti, sono considerati superiori, nella certezza di non essere richiamati da nessuno al rispetto del diritto. Questi sono principi funesti, che accrescono la forza materiale, come se fosse la legge suprema del mondo; e da essi deriva l'aumento progressivo e smisurato degli armamenti, ovvero quella "pace armata" che, per molti aspetti, è paragonabile ai più disastrosi effetti della guerra. E questo lamentabile turbamento morale ha generato una sorta di inquietudine nel cuore del popolo, di malessere, di spiriti contumaci; e di conseguenza, agitazioni e disordini frequenti che preludono a tempi ancora più gravi. Le misere condizioni di gran parte del popolo, che certamente meritano pietà e sollievo, sono abilmente sfruttate dai disegni di astuti agitatori, in particolare delle fazioni socialistiche, che, attraverso folli promesse alla plebe, si avventurano nel compimento dei più truci propositi. Poiché chi precipita in un abisso, deve, alla fine, toccare il fondo; così, la logica vendicativa di questi principi ha maturato fino a formare una vera e propria associazione di delinquenti, di istinti del tutto selvaggi, che, fin dai primi colpi, ha portato il più grave scompiglio. Costituita saldamente e con legami internazionali, essa è già in grado di sollevare, con qualsiasi pretesto, la sua scelta di vittime, senza temere ostacoli, né indietreggiare di fronte a qualsiasi insuccesso. I suoi seguaci, rompendo

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ogni vincolo con il mondo civile, con le leggi, con la religione, con la morale, prendono il nome di anarchici, proponendosi di distruggere, con tutti i mezzi che può suggerire una passione cieca e feroce, dall'alto verso il basso, l'ordinamento sociale. Poiché questo movimento riceve unità e vita dall'autorità imperante, contro l'autorità sono principalmente rivolti i suoi colpi. Chi non dovette rabbrividire con un fremito di pietà e di indignazione nel vedere, in pochi anni, aggrediti e trucidati imperatori, imperatrici, re, capi di potentissime repubbliche, e non per altro che per essere stati investiti dell'autorità sovrana? Di fronte a tanta moltitudine di mali che incombono e di pericoli...

[*Latin ed. p. 521*]

LETTERA APOSTOLICA 521

Nos, cum omnes homines de bona voluntate, et praesertim illos qui in altis gradibus sunt, denuo monemus et hortamur, ut de remediis opportunis cogitent, et ea cum promptitudine et prudente energia adimpleant. Primum igitur opus est cognoscere quae sint haec remedia, et pondus earum aestimare.

Jam audivimus laudationes ad caelum ascendentes de libertate, et eam magnificare ut medicamentum supremum, instrumentum incomparabile pacis operosae et prosperitatis. Sed res ipsae hanc opinionem infirmaverunt. Conflictus oeconomici, contentiones inter classes sociales, ex omni parte eruptae sunt, et quietem civium non inveniuntur. Quis enim potest testimonium dare quod libertas, sicut hodie intelligitur, quae promiscuamente data est vero et falso, bono et malo, non nisi ad deprimendum quod nobile est, sanctum et generosum, et ad aperiendum viam delictis, suicidiis, et quolibet flagello passionum vulgarium?

Dixit etiam quod perfectio educationis, multitudines docendo et illuminando, satis praeparet contra tendentias perniciosas, et intra fines honestatis et rectitudinis retineat. Sed res ipsa nos omnes tangit manu, quamquam educationis, destitutae solidae educationis religiosae et moralis, effectus inferior sunt. Mentes iuveniles, in inexperience et in furore passionum, capiuntur a maximis perversis, praesertim illis quae a scribentibus non disciplinatis largiter seminantur, et quae, intellectum et voluntatem pervertentes, illud spiritum superbiae et insubordinationis alunt, qui saepe pacem familiam et civitatum turbat.

Multa etiam sperata sunt in progressivis incrementis scientificis; et magna, firma, inaspeta, et mirabilia in saeculo ultimo visa sunt. Sed vere an haec fructus ea tulisse sunt, plena et renovantia, quae multi desideraverunt et exspectaverunt? Certissime, scientia novas perspectivas intellectui aperuit, imperium hominis super corpus naturae extendit, et in omni vita terrena commodum apportavit. Sed tamen, a multis sentitur

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et confitetur, quod effectus inferior est spebus. Hoc dicere non possumus, qui statum animorum et morum, statisticam delictorum, et voces quae de basso ascendunt, et praecedentiam vis super ius, inspiciunt.

[*Latin ed. p. 522*]

522 APOSTOLIC LETTER TO THE PITIFUL PEOPLE: Even a superficial observation suffices to perceive that an indefinable sadness weighs upon souls and a profound emptiness exists in hearts. Man has dominion over matter, but this has not been able to give him what he lacks; the great questions concerning his highest interests, human science has not been able to resolve; the eternal truths, the virtues of the infinite, have returned to nothing; and the earth, enriched with treasures and joys, and the increased comforts of life, have not diminished moral anxieties in the slightest. Therefore, should the fruits of culture, of knowledge, of civilization, and of a tempered and reasonable liberty be despised? Certainly not: on the contrary, they must be cherished, promoted, and held in high regard, as a precious capital, since they are equally good means of human nature, willed and ordered by God Himself for the good of the human family. However, when using them, it is necessary to keep in mind the intention of the Creator, and to ensure that they are never separated from the religious element, in which, indeed, resides the virtue that ennobles and renders them worthily fruitful. Here lies the secret of the problem. When an organic being withers and declines, it is because of the cessation of the influences of the causes that gave it form and consistency; and there is no doubt that, to restore it to health and flourishing, it is necessary to restore it to the vital influences of those same causes. Now, in the mad attempt to emancipate itself from God, civil society rejected the supernatural and divine revelation, thus depriving itself of the vivifying efficacy of Christianity, that is, of the most solid guarantee of order, of the most powerful bond of brotherhood, of the inexhaustible source of individual and public virtues. And from this misguided apostasy arises the upheaval of practical life. Therefore, the misguided society must return to the bosom of Christianity, if it desires well-being, peace, and health. Just as Christianity does not enter any soul without making it better, so it does not enter the public life of a State without strengthening it in order; with the idea of a provident, wise, infinitely good, and infinitely just God, it penetrates the conscience with the sense of duty, softens sufferings, calms resentments, and inspires heroism. If it transformed the pagan peoples, and this transformation was a true resurrection from death to life, of such a kind that barbarism ceased as –

[*Latin ed. p. 523*]

LETTERA APOSTOLICA 523: Christianesimo. Il Cristianesimo, egli saprà, post terribiles scossas dell' incredulità, ravviare et recomporre nell' ordine gli statos et populos hodiernos. Sed non est dictum omnia:

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reditus ad Christianismum non erit remedium verum et completum, si non significat reditum et amorem ad Ecclesiam unam, sanctam, catholicam, apostolicam. Quia Christianismus actuatur et immisceatur in Ecclesiam Catholicam, societatem supra spiritualem et perfectam, quae est corpus mysticium Iesu Christi et habet suum Caput visibile Romanum Pontificem, successorem Principis Apostolorum. Ipse est continuator missionis Salvatoris, filia et haereditaria redemptionis eius; ipse propagavit Evangelium supra terram et defenit illud pretio sanguinis sui; et ipse, in promissionibus divinae assistentiae et immortalitatis, numquam pactante cum errore, testatur mandatum integrali doctrinam Christi usque ad ultimum saeculorum. Magister legitimus moralis evangelicae, non solum fit consolatrix et salutatrix animarum, sed etiam fons perennis iustitiae et caritatis, sicut quoque propagatrix et tutrix verae libertatis et unica possibilis et aequalitatis. Applicando doctrinam divini Fundatoris sui, servat ponderato aequilibrio iustos limites in omnibus iuribus et in omnibus prerogativis collectivitatis socialis. Et aequalitatem quae proclamant, conservat intactam distinctionem variorum ordinum socialium, ex natura evidenter requisitis; libertatem quae affert, ut impediatur anarchia rationis emancipatae fide et ab se ipsa derelictae, non laedit iura veritatis, quae sunt superiora iuribus libertatis, non iura iustitiae quae sunt superiora iuribus numeri et fortitudinis, non iura Dei, quae sunt superiora iuribus hominis. Et non est etiam sterilis effectuum bonorum in ordine domestico. Quia non solum resistit malis quibus licentia incredulorum minatur vitam familiae, sed praeparat et conservat unionem et stabilitatem coniugalis, et tutat et promovet honestatem, fidem, sanctitatem. Et pariter sustinet et reinstaurat ordinem civilem et politicum, ex una parte auxiliando efficaciter auctoritatem, et ex altera partibus amica reformis, iustis aspirationibus subditorum; imponendo respectum et obedientiam Principes, et defendendo in omni casu, iura imprescriptibilia conscientiae humanae. Et sic populi.

[*Latin ed. p. 524*]

524 APOSTOLIC LETTER. We shall maintain, with steadfastness, that Your Eminences, equally, remain far from servitude and despotism. Conscious of this divine virtue, We have, from the very beginning of Our Pontificate, diligently striven to bring to light and emphasize the salutary intentions of the Church, and to extend, as much as possible, the beneficial influence of its doctrines. To this end were directed the principal acts of Our Pontificate, especially the Encyclicals on Christian philosophy, on human liberty, on the Christian marriage, on the sect of the Freemasons, on public powers, on the Christian constitution of States, on socialism, on the working-class question, on the principal duties of Christian citizens, and on related matters. But Our heart's ardent desire was not merely to enlighten minds, but also to move and stir hearts, directing Our efforts to

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revive Christian virtues among the people. Therefore, We did not cease, through exhortations and counsel, to uplift souls and to foster good works that are not fleeting, striving to order the body to the soul, man to God, and earthly pilgrimage to heavenly life. May the Lord bless Our words, so that they may contribute to strengthen the convictions of many, to better illuminate them in the present difficulties, to stimulate their zeal, and to promote various works that have arisen and continue to arise in all countries, particularly to the benefit of the most destitute classes, reviving that Christian charity which finds its most fitting field among the people. If the harvest of Our efforts has not been more abundant, let us adore the Lord, who is secretly just, and let us implore Him to have mercy on the blindness of so many, to whom, unfortunately, the fearful words of the Apostle apply: "God of this world hath blinded the minds of the unbelievers, that the light of the Gospel of Christ may not shine to them" (1). As the Catholic Church zealously strives for the moral and material betterment of the people, alas, these children of darkness rise up angrily against her, and by every means they leave no stone unturned to obscure her divine beauty and to hinder her vital work. How many sophisms they employ, how many calumnies! One of their most perfidious arts is to represent the Church before the uneducated masses, and before the... (II Corinthians IV, 4).

(1) II Corinthians IV, 4.

[*Latin ed. p. 525*]

LETTERA APOSTOLICA 525. Quidam, zelosi, ut videtur, progressus scientiae invident, eamque velut pestem libertatis, usurpationem iuribus civitatis, et invasionem agrorum politicarum putant. Accusationes stultae, mille vices repetitae, et mille vices a ratione, a historia, et a sensu hominum refutatae, quae tamen amici veritatis sunt. Ecclesia inimica scientiae et culturae? Certe, vigilantissima est custos doctrinae revelatae; sed haec vigilantia numquam eam faciet fautricem benemeritam scientiae, aut alicuius bonae culturae. Non, apertam mente ad revelationes Verbi, quae sunt veritas suprema et principium omnium veritatum, numquam praeiudicabit aliquo modo cognitionibus rationalibus; quae, antea irradiationes mundi divini, semper augebunt potentiam et claritatem intellectui humano, et ipsum, in questionibus maioris momenti, ab incertis angustiis et erroribus servabunt. Denique, decem novem saecula gloriae, a Catholocismo in omnibus ramis scientiarum, assequenta, sufficiunt ad refutandam mendacem assertionem. Ecclesiae Catholicae enim tribui debet meritum, quod scientiam Christianam propagavit et defendit, sine qua mundus adhuc esset in tenebris superstitionum gentilium et in statu barbariae; quod conservavit et transtulit praetiosa thesauri litterarum et scientiae antiquae; quod aperuit primas scholas populi, et Universitas creavit, quae adhuc existunt et celebres sunt; et, tandem, sub alas suis protectoris, collegit artifices insignes, et inspiravit litteraturam sublimiorem, purissimam et gloriosissimam. Eccle-

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sia inimica libertati? Ah, quam frequenter conceptus hic, sub hoc nomine, unum de praetiosissimis Dei donis celat, et ad iustificationem abusi et licentiae adhibetur. Si per libertatem intelligitur ire sine lege et sine freno, ut quodlibet faciamus quod nobis placet, Ecclesia, sicut omnis anima honesta, hanc rem detestatur; sed si per libertatem intelligitur facultas rationabilis operandi pro bono, secundum normas aeternae legis, in hoc, praesertim, Ecclesia nullam aliam plus promoveat, incitet et protegat. Nam, doctrina et actione sua, humanitatem ab onere servitutis liberavit, annuncians legem grandem aequalitatis et fraternitatis.

[*Latin ed. p. 526*]

526 APOSTOLIC LETTER: In every age, she has taken up the cause of the weak and the oppressed against the arrogance of the powerful; she has vindicated with the blood of her martyrs the freedom of Christian conscience; she has restored to the child and to woman the dignity of their noble nature and the participation in the same rights of respect and justice, greatly contributing to the introduction and maintenance of the civil and political freedom of peoples. Does the Church usurp the rights of the State and invade the political sphere? But the Church knows and teaches that her divine Founder commanded that to Caesar be rendered what is Caesar's, and to God what is God's, thereby sanctioning the immutable and perpetual distinction of the two powers, both supreme in their respective order; a distinction that has played a significant role in the development of Christian civilization. And, far from being motivated by any hostile ambition, she intends only to cooperate with the political powers, acting upon the same subject, which is man, and upon the same society, but through those means and for those high purposes that pertain to her divine mission. If her actions were received without suspicion, she would only contribute to the numerous advantages mentioned above. The supposition of ambitious motives in the Church is nothing more than an old calumny, of which her powerful enemies have made use as a pretext to justify their own oppressions; and history, when considered without prejudice, amply testifies that the Church, instead of attempting to dominate, has, in imitation of her divine Founder, been the victim of oppression and injustice on many occasions; precisely because her power consists in the force of thought and of truth, and not in that of arms. Such and similar accusations are therefore born of a very poor understanding. And in this pernicious and disloyal endeavor, a shadowy sect leads the way, which society has long harbored in its midst, like a fatal disease that contaminates its health, fertility, and life. A permanent embodiment of revolution, it constitutes a kind of society turned upside down, whose aim is a hidden domination over recognized society, and whose courage consists in waging war against God and against His Church. It would be inappropriate to name it; for all recognize in this counter-sign the Freemasonry, of which we spoke in Our Encyclical "Hu-

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manum genus" of April 20, 1884, denouncing its nefarious tendencies and its false doctrines.

[*Latin ed. p. 527*]

LETTERA APOSTOLICA 527 concerning a nefarious sect. This sect embraces immense ambitions, connected with other sects, and moves with hidden threads, enticing its adherents with the bait of advantages it provides, bending rulers to its designs, either with promises or threats. It has infiltrated all social orders and formed almost a state within the legitimate state, an invisible and irresponsible state. Filled with the spirit of Satan, as the Apostle says, it knows how to transform itself into an angel of light (1), boasting of humanitarian endeavors, but exploiting everything for sectarian purposes. While claiming to have no political aims, it exerts a considerable influence in the legislative and administrative activities of the state; while professing respect for authorities and even for religion, its ultimate goal (and its own regulations affirm this) is the destruction of the empire and the priesthood, which it considers enemies of freedom. It is now increasingly evident that a large part of the ongoing attacks against the Church must be attributed to the suggestions and complicity of this sect, as well as the recent intensification of these attacks. Indeed, the simultaneity of the persecution, which has erupted suddenly like a storm from a clear sky, that is, without adequate causes for the effect; the identical nature of the preparations made with daily newspapers, public gatherings, and theatrical productions; the use everywhere of the same weapons of calumny and popular excitement, demonstrate the identity of intentions and the rallying cry emanating from a single center of direction. This episode is but another part of that pre-established plan, which is being widely implemented, in order to multiply the damages already enumerated by Us, especially in order to restrict religious instruction to total exclusion, thus forming generations of indifferent and unbelievers; to attack the Church's morality with the press; and finally, to slander its practices and profane its feasts. It follows that the Catholic priesthood, called to spread the religion practically and to dispense its mysteries, is targeted with greater ferocity, in order to diminish its authority and prestige in the eyes of the people. Already, its audacity grows daily, interpreting its actions in a sinister manner, giving substance to suspicions, and hurling the most vulgar accusations against it; and (1) II. Cor. XI, 14.

[*Latin ed. p. 528*]

528 APOSTOLIC LETTER. In proportion to the impunity that can be promised. Thus, new taxes are added to those that have been imposed for a long time, taxes which the clergy must pay to the military, and which take away from the fitting preparation for religious duties, and which lead to the impoverishment of the ecclesiastical patrimony, freely constituted

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by the piety and generosity of the faithful. And the religious Orders and Sodalities, which in the practice of the evangelical counsels become a glory not only to religion but also to society, are, as if they had enemies of the Church, struck with a blow of greater severity. And We are grieved to have to recall that even recently they have been subjected to odious and undeserved measures, which every honest soul has had to deeply lament. It was not enough to preserve the integrity of their lives, against which the same enemies could not bring forth serious and well-founded accusations; nor was it enough to respect the natural right, which permits association for honest purposes, nor the constitutional law which sanctions it; nor was it enough to acknowledge the favor of the people, who are rightly grateful for the precious services rendered through science, the arts, agriculture, and the abundant charity shown to the numerous class of the poor. Thus, men, women, and children of the people, who had voluntarily renounced the joys of family life in order to dedicate their youth, talents, activity, and life to the good of their neighbor in peaceful associations, were, as if they were congregations of delinquents, ostracized amidst so much freedom. And it is not to be wondered at that the most beloved are thus struck, when the Father himself, that is, the head of the same Catholic Church, the Roman Pontiff, is not treated better. The facts are well known. Having been deprived of that civil authority which is necessary for the universal and divine mission, He was forced in His own Rome to withdraw into His own dwelling, because held captive by hostile power; and, despite the risible mockeries and precarious promises of liberty, He was subjected to conditions that were abnormal, unjust, and unworthy of His most excellent ministry. We are, alas, too well aware of the obstacles that are created around Him, often distorting His intentions and insulting His dignity; and it becomes ever more evident that the theft of civil sovereignty was committed in order to undermine, little by little, the very spiritual power of the Head of the Church; which, indeed, has been openly confessed by those who were the true authors of it. These facts, when considered in their effects, are not only...

[*Latin ed. p. 529*]

LETTERA APOSTOLICA 529: Impolitica, maeziandi antisociale; quia vulnera inflita religionis sunt tamquam vulnera inflita cordi ipsius societatis. Deus enim, qui hominem qualitatis essentialiter socialis dotavit, in providentia sua, ecclesiam suam etiam fundavit, et, secundum locutionem biblicam, eam collocavit in monte Sion, ut luce esset, et per virtutem suam fecundam, principium vitae in multis aspectibus societatis humanae evolveret, ei communicans sapientias caelestes, per quas haec optimam formam adipisci posset. Societas ergo, quae ecclesiae subtrahit, quae pars est considerabilis virtutis eius, decidit et ruinat, separando quod Deus coniungere voluit. Nos non cessavimus haec verita in omni opportuna

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occasione inculare, et voluimus eam iterum et proposito in hac coniunctura extraordinaria facere. Fiat Dominus, ut fideles eius, et in magno numero, actionem suam ad bonum commune efficacius ordinent; et ut adversarii, ex hoc exemplo, iniustitiam perspiciant, quam committunt persecutantes matrem amantissimam, fidissimamque benefactricem humanitatis. Non volumus ut imago dolorosarum conditionum animos credentium ad contristationem adduceret, sed ad confidam fidem in auxilio divino, qui tempore suo et per vias suas triumphum suum maturabit. Nos sumus vehementer tristi in intimo cordis, non tamen timemus immotae destinatus ecclesiae. Persecutio, ut diximus, est hereditas eius, quia Deus ex ea extrahit beneficia et res praeciosiores, probando et purificando filios suos. Sed, licet persecutiones et contentiones permittat, divinam suam assistentiam manifestat, praebens novas et inopinatas vias, ut opus eius in Reest floreat et crescat, sine hoc ut vires coniuratae ad eius detrimentum praevaleant. Decem novem saecula vitae, inter fluctus et refluxus humanarum rerum, docebunt nos quod tempestates non immutabunt fundamenta, sed transibunt. Et bene nos consolari possumus, quia etiam momentum praesens signa habet quae fidem nostram intactam servant. Difficilates formidabiles et extraordinariae sunt, est vero, sed aliae res, quae sub oculis nostris aguntur, non aliud testificant quam Deum promissiones suas cum admirabili benignitate et sapientia implere. Ecce, dum plures vires contra ecclesiam conspirant, et ea tamquam multum auxilii et subsidiorum humanorum destituitur, tamen in mundo gigantem est, et actionem suam Acta, Tom. XXXIV. fase. CDV. 34 extendit.

[*Latin ed. p. 530*]

530 APOSTOLIC LETTER addressed to the most diverse peoples under every climate. No, the ancient prince of this world will no longer be able to rule as before, now that he has been driven out by Jesus Christ, and the attempts of Satan will bring about evils, but they will not lead to the end. Already, a supernatural calm, maintained by the Holy Spirit which hovers and lives in the Church, reigns not only in the souls of the good, but in the entirety of the Catholic faith; a calm which unfolds serenely through the union, more close and devoted than ever, of the Episcopate with this Apostolic See, forming a wonderful contrast to the agitations, the dissensions, and the continuous proliferation of sects which disturb social tranquility. This union harmoniously reproduces itself, fruitful in countless works of zeal and charity, among the Bishops and the Clergy, and between them and the Catholic laity, which is becoming more united and immune to human considerations, disciplining itself to action, and awakening with generous fervor to defend the holy cause of religion. Oh! It is this union that we have instilled and that we instill anew, and which we bless, so that it may grow ever wider and oppose, as an invincible wall, the impetuosity of the enemies of God. It is no less obvious that, like shoots sprouting at the

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foot of the tree, so many associations are reborn, are invigorated, and are reunited, which even in our days delight us within the Church. No form of Christian piety wishes to be neglected, or to guard against Jesus and his adorable mysteries, or against his most powerful Mother, or the Saints who shine with ever greater light through their outstanding virtues. And at the same time, no form of beneficence should be forgotten, if so many ways are thought of everywhere for the religious education of youth and the assistance of the sick, for the morality of the people, and for helping the poor. And how much greater benefits would this movement bring if it were not frequently hindered by unjust and hostile dispositions! And the Lord, who maintains so much vitality of the Church in regions which it has possessed for a long time and which have become civilized, also consoles us with new hopes, through the zeal of its missionaries, who, undeterred by dangers and by every kind of privation and sacrifice, are increasing in number, acquiring entire districts for the Gospel and for civilization.

[*Latin ed. p. 531*]

LETTERA APOSTOLICA 551

To those who, with admirable constancy, endure often detractions and calumnies, they resemble the Divine Master. Let love, therefore, be tempered by consolations, and let the difficulties of the struggle give us all the more reason to hope. What could I suggest to every intelligent observer, free from passion, that would not lead to useful reflections, and make him understand that, just as God did not abandon man to himself regarding the ultimate purpose of life, and therefore spoke, so too He speaks today in His Church, visibly strengthened by divine assistance, manifesting what part of the truth and salvation it holds? In any case, this perpetual assistance will serve to instill in our hearts the invincible hope that, at the moment marked by Providence, the truth, breaking through the mists with which it is surrounded, will shine more fully in the not-too-distant future, and that the spirit of the Gospel will return to revive the limbs so weary and corrupted of this dissipated society. We, for our part, Venerable Brothers, will not fail to seek to hasten the day of the mercies of God, cooperating diligently, as is our duty, in the defense and increase of His reign on earth. We have no exhortations to make to you. That is the task of your pastoral solicitude. May the flame that burns in your hearts increasingly permeate all the ministers of the Lord who participate in your work. They are in immediate contact with the people, and they know fully their aspirations, their needs, their sufferings, as well as the dangers and seductions by which they are surrounded. Filled with the spirit of Jesus Christ, and maintaining themselves in a sphere superior to political passions, they will coordinate their actions with yours, and, with the blessing of God, they will accomplish wonders, illuminating the multitudes with the word, attracting

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hearts with the sweetness of their ways, and assisting them charitably in the progressive improvement of their conditions. And the clergy will be strengthened by the intelligent and active action of all the faithful of good will; thus, the children who have tasted the tenderness of their Mother, the Church, will worthily repay her by rushing to the defense of her honor and her glories. Each one can contribute to this necessary and supremely meritorious work: the learned and the literate with apologia and with the printing press, a powerful instrument which our adversaries have so often abused; fathers of families and educators with Christian education.

[*Latin ed. p. 532*]

532 APOSTOLIC LETTER CONCERNING THE EDUCATION OF YOUTH, IMAGES, AND REPRESENTATIONS OF THE PEOPLE, ALL OF WHICH SHOULD PROMOTE GOOD PRINCIPLES AND THE INTEGRITY OF CHARACTER, AND ALL OF WHICH SHOULD BE PRESENTED WITHOUT DISRESPECT FOR HUMAN BELIEFS. The times demand loftiness of sentiment, generosity of purpose, and regularity of discipline. This quality must above all be demonstrated through complete and trusting submission to the directives of the Holy See, a principal means of mitigating the harm caused by partisan opinions when they divide, and of coordinating all efforts in service of a higher purpose, which is the triumph of Jesus Christ in His Church. This is the duty of Catholics; the ultimate success depends on Him who watches over His immaculate Spouse with love and wisdom, and of whom it is written: Jesus Christ is the same yesterday, and today, and for ever. (1) To Him, even in this moment, we humbly and fervently offer our prayers, asking of His infinite love for humanity, who, in the sublimity of martyrdom, made Himself a victim of expiation; to Him who, though invisible, sits upon the mystical ship of His Church, and who can, by calming the sea and the troubled winds, quell the storm. – And, without doubt, Venerable Brothers, you will willingly join us in praying that the evils that weigh heavily upon our society may diminish, that those who, perhaps more out of ignorance than malice, hate and persecute the religion of Christ may be enlightened, and that men of good will may be strengthened in a holy endeavor; so that the triumph of truth and justice may be hastened, and that better days of peace and tranquility may dawn for the human family. In the meantime, may the Apostolic Benediction, which we impart with great heart, descend upon you and all the faithful entrusted to your care, as we earnestly desire the most desired graces. Given at Rome, near St. Peter's, on the 19th of March, 1902, in the fifth year of Our Pontificate. LEO XIII. (1) Hebrews XIII, 8.

[*Latin ed. p. 533*]

533 BY PAPAL BULL, MOST HOLY FATHER LEO XII! By which, from the offices of the Notaries of the Vicariate of Rome, every faculty and power

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of drawing up any act pertaining to the Vicariate of Rome is revoked. It is clear that this pertains to the pastoral concern of the Roman Pontiff, so that those things which, persuaded by just causes, our predecessors had ordered, instituted, and granted concerning the Offices of the Roman Curia, if they should appear no longer to agree with the new necessities of times and things, or rather to tend to the ruin of souls, may be suppressed, altered, or even revoked, as He Himself, in the Lord, shall judge it fitting to do. And among other Offices of the Roman Curia, which have been established and instituted by the Roman Pontiffs, our predecessors, we have discovered, with profound sorrow, that those called "Notaries of the Vicariate of Rome" are causing very grave inconveniences, by which the very salvation of souls is brought to great peril, especially in these present times in matters of business that, when pertaining to the Vicariate, are usually carried out by the aforementioned Offices. And indeed, we believe it to be prudent and plainly fitting that ecclesiastical matters of no slight importance should be carried out by laymen, and not by clerics, not by a mere delegation, but by the very nature of the Office; especially since, in all things, the expertise in ecclesiastical and sacred canons cannot be presumed. Moreover, a still greater evil is added, which almost always occurs in drawing up those acts which, according to the law of the Church, ought to precede the celebration of marriage. For, when those who come, for the cause of marriage, are present in a place suitable for civil matters, where many are accustomed to gather, it is not easily possible to judge without bias; nor is the condition of the very individuals who conduct the proceedings entirely suited to provide the necessary faith of the contracting parties and witnesses. And so it often happens that certain things, which ought to be disclosed by law, are concealed, to the great detriment of the faithful, and to the peril of rendering the marriage invalid. But the greatest inconvenience of all is that not only are many damages caused, but also very frequent quarrels arise. For the emoluments, or taxes, for drawing up acts for the celebration of marriage, which are legally necessary, are demanded by those who are entitled to receive them.

[*Latin ed. p. 534*]

534 BY PAPAL BULL, in order to administer the offices, it is required that due consideration be given to those who suffer from poverty. This leads to the Christian marriage being held in contempt, and in such widespread corruption, the most shameful concubinage increases daily, with a manifest danger to eternal salvation. However, the pernicious condition of affairs will not allow us to neglect the duty of our Apostolic service; rather, it demands that we apply ourselves with all our strength to remove the inconveniences and damages that we have mentioned. Therefore, having been led to these and other very serious and reasonable reasons, by papal bull, with due diligence, mature deliberation, and with full consideration of the

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fullness of Apostolic power, we hereby revoke and permanently abolish all faculties and powers pertaining to the Offices of the Notaries of the Vicariate of the City, and to those holding the same titles or offices, concerning all matters relating to the Vicariate of the City, whether by law or by extraordinary delegation, whether concerning marriage, or causes of Beatification or Canonization of Servants of God, or the Holy Ordinations of Clerics, or attestations and authentications concerning the status of persons, or any other matter whatsoever pertaining to ecclesiastical affairs, together with their emoluments, or taxes, rights, and other revenues, privileges, honors. From this day forward, the offices that have hitherto been held by the Notaries concerning the matters mentioned above shall henceforth be held as offices of the Vicariate of the City. Furthermore, we declare and decree that anything done by these Notaries, either in their own name or by order, concerning the same matters, shall henceforth be null and void and of no effect, and shall be permanently abolished by these present letters. However, what we have established and decreed above shall not be interpreted as meaning that any judgment shall be rendered against the rights or faculties of those who have hitherto held the offices of the Notaries of the Vicariate of the City, concerning other matters not pertaining to civil law and not in any way related to the Vicariate of the City. Furthermore, if any compensation is to be considered, we hereby constitute a special committee composed of Aloysius Pericolini and Philip Giustini, prelates of the Roman Curia, as well as the advocates Charles Santucci and Cesare Guidi of the same Curia, to examine petitions and ascertain the reasons.

[*Latin ed. p. 535*]

By a papal act, 535, We command that the aforementioned group, setting aside all judicial formalities, examine the submissions made by each individual and report to Us on all matters, so that We may provide appropriately and effectively. Furthermore, all matters and individual affairs pertaining to the Vicariate of the City, previously handled by the aforementioned Notarial Offices and their officials or employees, We summon by these present letters to the Secretariat of the Vicariate of the City, and We entrust to it, with its own designated office, consisting of a Chancellor, a Vice-Chancellor, and two notaries or scribes, all chosen by Our Urban Vicar from among the clergy, to be held, exercised, and carried out within the same Secretariat's premises. We reserve the confirmation of the Chapters or Statutes, which the Urban Vicar will draw up, so that the aforementioned Secretariat may administer, care for, and expedite all affairs more properly and promptly.

At the same time, We expressly decree and command that all acts that precede the celebration of marriage must be performed and expedited with complete gratuity, without any fees or charges, and without any consider-

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ation for the petitioner or the parties involved, with the utmost care and diligence.

We also decree that these present letters and everything contained within them, even if those who formerly held the Notarial Offices or any other person who might have an interest, or who might claim such an interest, have not consented to them, nor have been summoned or heard, shall never be subject to any challenge based on the grounds of defect, or on the basis of the will or intention of anyone, or on any other formal, unfounded, or substantial defect; they shall not be impugned, invalidated, revoked, brought into open dispute, or subjected to the jurisdiction of any court, nor shall any action of restitution, or any other legal remedy, be attempted or obtained against them, or any other action, even if taken with full knowledge and power, either within or outside of a court, in any way whatsoever; but these present letters shall always be firm, valid, and effective, and shall produce their full and complete effects, and shall be observed inviolably and without hesitation, as they pertain to those to whom they apply.

[*Latin ed. p. 536*]

556 BY A SPECIAL DECREE, and in no other way, all matters, whether before ordinary judges and delegates, or before Auditors of the Apostolic Palace and the Most Holy Cardinals, even those acting as legates or in any other capacity with authority and power, shall be judged and decided, and any attempt, with or without authority, knowingly or unknowingly, to interfere with these matters is strictly prohibited. Notwithstanding the constitutions, indulgences, and graces previously granted by Pope Alexander VI, Pope Sixtus V, Pope Pius VI, Pope Pius VII, and other Roman Pontiffs, to the aforementioned Notarial Offices and their titulars or holders, in any manner; nor also our own regulations and those of the Apostolic Chancery regarding the right of inquiry, and other Apostolic constitutions and ordinances of a similar nature, even those with the most effective clauses and decrees, and even those that expressly prohibit the contrary, and any other concessions, confirmations, or innovations made to the contrary of the aforementioned; even if, for the sufficient derogation of these and all of their provisions, a special, specific, explicit, and word-for-word provision were to be inserted, and not merely through general clauses, but in a manner that is meticulously and in every way carefully crafted for this purpose, such a provision, with all its details and in the form in which it is presented, would be entirely omitted and the form therein transmitted would be observed; provided that, for the purpose of achieving the aforementioned effect, the present decree, by the full extent of our authority, derogates from and intends to derogate from all of the aforementioned, and we hereby decree; and from all other contrary provisions whatsoever. Given in Rome, at the Holy See, in the twenty-fifth year of Our Pontificate,

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on the fifth day of April, in the year 1902. LEO XIII, POPE.

[*Latin ed. p. 537*]

537 FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS OF SORANA, CONCERNING THE EXPENDITURE AND FUNERAL RITES. August 9, 1901. In the ancient city of Soranus, there exists a venerable Brotherhood of the Good Death, commonly known as the "Sacconi," which, like its namesake in Rome, has been affiliated since the year 1822. This Brotherhood formerly possessed a seat with its own burial ground in the collegiate and parish church of Saint Restituta. At the beginning of the century, due to the Napoleonic invasion, the religious houses were abandoned, and the church of Saint Francis in Soranus was also deserted by the Conventual Minor Friars, remaining closed to worship. In the year 1808, the aforementioned Brotherhood petitioned Joachim Murat, who then held the Borbonian throne in the Neapolitan territory, for the cession of this church; the request was granted, and worship was again restored in the church of Saint Francis. Upon obtaining possession of the church, the Brothers, commonly called the "Sacconi," began to exercise the right of burial within it, not only for those who had family tombs there, but also for those from the Brotherhood who had chosen to be buried in that church. However, this practice, against which the pastors of the city, and especially that of Saint Restituta, had repeatedly protested, ceased with the establishment of a public cemetery, and the Brothers were then permitted only to perform the rites of burial. Most recently, various Brotherhoods of Soranus have established chapels in the public cemetery, and there, as reported by the Ordinary of Soranus, they perform the proper funeral rites for the faithful departed, in the presence of the body, through their own chaplains. Against this manner of acting, five pastors of the city of Soranus presented complaints to the Bishop, who issued a prohibitive decree against the priests or chaplains of the Brotherhoods on January 11, 1896, forbidding them to do so under penalty.

COMPENDIUM FACTI.

[*Latin ed. p. 538*]

538 FROM THE EDICT OF THE HOLY FATHER, BISHOPS, AND REGULARS: The very act incurs the penalty of suspension without the intervention or delegation of the respective parish priest, to perform the funeral rites in said chapels with the body present, but afterwards, the funerals with the body present would be held in the individual parishes of the deceased. Against this decree, the Sodalitas, commonly known as "de Sacconi," appealed to the Holy Congregation of Bishops and Regulars, which ordered that the Sodalitas exercise its right before the court of first instance or before the Roman Curia, which on May 20, 1898, issued the

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following judgment: After examining all documents presented and considering the arguments put forth, we declare, we judge, we pronounce: That the aforementioned confraternity has no right whatsoever to expose or bury in the aforementioned church, neither by law, nor by privilege, nor by legitimately prescribed custom, nor finally by the royal concession itself; therefore, the parish priests of the city of Sora are to be maintained in the possession of their rights. From this decision, the Sodalitas appealed to the supreme Tribunal of the Holy Congregation of Bishops and Regulars, which, on September 15, 1899, in response to the question – Whether and how the judgment of the Right Reverend Bishop of Sora is to be upheld in this case – answered: Affirmative; but with the condition that, while the jurisdiction of the parish priests is fully preserved, they are not prohibited from holding funerals in the church of the confraternity, or of those who have a tomb there, of their ancestors or confreres who have chosen to be buried there. This resolution, not having satisfied the parish priests of the city of Sora, a new hearing was requested and granted. However, the Holy Congregation, on March 15, 1901, after considering the question – Whether and how the judgment issued by the same Holy Congregation on September 15, 1899, in this case, should be confirmed or revoked – maintained its previous decision. The parish priests did not accept this second confirmatory decision, but insisted on a new review, which was graciously granted to them, and they especially proposed several questions that relate to the understanding and interpretation of the issued judgment, and about which we shall speak later.

[*Latin ed. p. 539*]

559 SORANA. A Synopsis of the Dispute. PAROCHIAL RIGHTS. The advocate for the parish argues that the opposing party's claim to the right to bury and conduct funeral services in the church of St. Francis is invalid, based on four grounds. I. Based on law. For it is only the parish churches that are, by law, burial grounds, and the parish priests, as Leurenius teaches in *Formularum beneficiorum parochialium*, book 1, question 431, have the intention, founded in law, of burying those who reside within the limits of their parish. Furthermore, certain religious orders, such as the Dominicans and the Conventual Franciscans, as well as other regular churches to which this privilege has been extended through the communication of privileges, are burial grounds by virtue of a privilege contained within the law, namely, from the *Clementinae*. However, the advocate, speaking specifically of chapels and churches of confraternities, states that this privilege is not legally recognized in their favor, as Fagnani states in his commentary on the chapter concerning Fraternities; indeed, the opposite is derived from a decree of the Holy Congregation of the Council of August 17, 1652. It is not permitted for confraternities, without a legitimate legal right, to bury the bodies of their members in their

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chapels, even though custom may sometimes be to the contrary. II. Since the opposing party argues that the church of St. Francis is a burial ground by virtue of a privilege, as it formerly belonged to the regular family of the Conventual Franciscans, the advocate for the parish, proceeding to the second point of his argument, seeks to demonstrate that the right to bury and conduct funeral services does not belong to the opposing party by virtue of this privilege. First, assuming that the matter at hand is not about the burial of non-Christians, he asks whether the privilege granted to religious orders to receive into their churches the bodies of those who have chosen to be buried there can be considered personal or real, and he argues that it is personal, striving to demonstrate this with several arguments. First, he argues this from the very wording of the privilege expressed in the *Clementinae* constitution: that the brothers of these orders may freely have burial in the churches and places... Hence, the privilege was granted directly to the religious orders, and not...

[*Latin ed. p. 540*]

540 FROM THE MOST HOLY FATHER, BISHOPS, AND THEIR RULES: Because this pertains to the churches of religious orders, and therefore is personal, it is extinguished with the person. Reinstated, Canon Law, Universal, Title on Private Matters, § I, no. 13. The advocate states that there is no other conclusion, if, with precision derived from the very letter of the Clementine Constitution, its reasoning and spirit are considered. In the aforementioned constitution, religious are considered as collaborators of the parish priests, and to them are granted the faculties of preaching the Word of God and receiving the confessions of the faithful; just as these faculties are entirely personal, so too it must be said of the privilege, granted in consideration of their order, of receiving the bodies of those who have chosen burial in their churches. For, in order to ascertain that a person was the proximate and immediate cause of the granting, the sign is taken from the special favor bestowed upon that very person to whom the privilege was granted. Menach, On Presumptions, presumption 103, §2 and 6. Finally, the advocate makes two observations: first, that if in a case there were doubt concerning the nature of the disputed privilege, it ought to be considered personal; because the matter concerns privileges that are prejudicial to third parties, namely, the rights of the parish priests, and therefore these are to be interpreted strictly, as the authors, and especially Leurenius, *Formularum beneficiorum*, Book 1, Section III, Chapter 2, question 489, volume 1, no. 212, generally teach. Second, that even if it were admitted for a time that the alleged privilege is real, this nonetheless benefits nothing to the cause of the opposing party. Indeed, when the religious departed from the church of St. Francis, there was no common tomb in it for the faithful who had chosen burial there; from which it is clear that the religious did not wish to make use of this privilege. The opposing party maintains that

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the common tomb is the burial that exists in the chapel of St. Joseph. But the advocate for the parish priests denies this; because this tomb belongs to the Lauri family, as is proven by a document, or verbal agreement, of the religious of October 16, 1726, with that family; and furthermore, after examining the ancient records of the parishes by a delegate of the Holy Roman Curia, it appears that no deceased person was buried in the aforementioned church, except for those who had private tombs.

[*Latin ed. p. 541*]

SORANA 541. Thus far, the advocate stated, what has been presented is confirmed by two decisions of the supreme ecclesiastical Tribunal. One of these originated from the Holy Congregation for Reform, dated December 16, 1816, approved by the Most Holy Pope Pius VII, and is recorded in the Acts of the Holy Congregation, December 18, 1824, §, under the following formula of inquiry: I. Whether the convent of the Minor Observant Friars of Pergulana, located in the city of Nonantola, along with the church annexed to it, should be considered in its present state as a regular establishment, with all its privileges, offices, and the right of burial, etc. II. Whether this church should be considered as a filial parish, so that a parish priest therein should exercise all rights. The Holy Congregation for Reform responded: To the first, negatively; to the second, affirmatively. The other decision of the Holy Congregation is found in the Acts of the Congregation, dated January 28, 1893, concerning the matter of burials in Aprutina. At the beginning of the century, after religious were expelled from their churches, certain sodalities, established by those religious, remained in those churches. These claimed the right of burial through their chaplains. The inquiry posed was: Whether the aforementioned sodalities have the right to bury the bodies of those who have chosen to be buried in their churches. The Holy Congregation responded: Negatively, and furthermore. The advocate then brought up the decisions of the Holy Congregation, specifically the ones from Ravenna, March 17, 1781; Tivoli, March 17, 1827; and Forlì, 1871, arguing that they cannot be applied in this case. In the case of Ravenna, the matter concerned a church previously held by the Sodalities of the Society of Jesus, which was subsequently taken over by a subcollector of ecclesiastical property. An agreement had been made between this subcollector and the parish priest of the city of Ravenna regarding the right of burial. In the case of Tivoli, the church of Saint Peter belonged to a sodality of the Good Death, previously held by the Regular Carmelites, and even before the Regular fled, it already possessed the right of burial. Finally, in the case of Forlì, the matter concerned burial grounds for Gentiles. Continuing with the third part of his argument, the advocate...

[*Latin ed. p. 542*]

542 FROM S. C. EPISCOPAL AND REGULATORY documents, it en-

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deavors to demonstrate that the prescription invoked is indeed an injury brought about by adversaries concerning the matter. Setting aside for a moment the opinion of those who believe that the rights of parishes are imprescriptible, it nevertheless states that they must be forty years old, according to chapter *De praescriptione*. However, in this case, only a thirty-year prescription can be invoked, because from the year 1814 until the year 1845, two or three burials of members of the Sodality took place in the church of St. Francis. From that epoch until the year 1855, the very adversary, the Sodality itself admitting, could not be buried in that church due to the establishment of a public cemetery, as happened later from the aforementioned year 1855 until the beginning of the present controversy, as attested by successive chaplains of the Sodality. Furthermore, if the matter is investigated more closely, even a thirty-year prescription cannot be opposed: because it is established that from the year 1809 until the year 1822, the parishes of Sorana in the Kingdom were without their titular pastors, during which time the prescription could not run, according to the judgment of chapter *De quota, De praescriptione*. Therefore, the prescription opposed would only be twenty years old, and consequently, not legitimate. Finally, concerning the concessions or rescripts issued by the Neapolitan Government, the advocate observes that all of these are reduced to the actual rescript of June 7, 1843, in which, having recognized the abuse of the Sodality in burying and interring deceased members in the church of St. Francis, it was decreed that the Sodality should not be disturbed in its possession of the alleged right. This decree or rescript, according to the advocate, cannot in any way be upheld, because firstly, it originates from an incompetent authority, and secondly, because it openly contradicts article XXX of the concordat law stipulated between the King of both Sicilies and the Supreme Pontiff, in which article it is stated that with regard to other ecclesiastical objects not included in the aforementioned concordat law, questions are resolved according to the procedures of the existing ecclesiastical discipline. However, the advocate adds, in the concordat law, neither the word nor the concept of Confraternities is mentioned. This is a summary of the arguments presented by the advocate for the parish.

[*Latin ed. p. 543*]

SORANA presented its arguments on September 15, 1899, seeking to have the previous judgment overturned. However, should the Holy Congregation deem it appropriate to confirm its judgment, the advocate raised certain doubts regarding its interpretation, and these doubts are intended to further curtail the ongoing dispute. The first question concerns the jurisdiction over the funeral rites in the presence of the deceased. Indeed, the advocate argues that, certainly, when the body is buried in a church other than the parish church, whether this occurs due to a privilege, or because the deceased chose to be buried there, the direction and execu-

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tion of the funeral rites pertain to the parish priest of the deceased, and not to the rector of that church or to the chaplain of the confraternity. In addition to other authors, Vecchiotti teaches this in *Canon, Institutiones*, book 3, chapter 5, who, speaking of churches that bury the dead but are not parish churches, expresses himself as follows: "If they have their own rector, it can easily be determined from general principles that the parish priest should, through the proper channel, namely from the parish church to the church where the burial takes place, perform the office and Mass, bypassing the Rector, and deliver the body for burial." This right, according to the decree of the Holy Congregation of Bishops and Regular Canons in Laudanum, August 20, 1601, extends to all parish priests to whom the deceased rightfully belongs. According to the General Decree of the Holy Congregation of Sacred Rites of September 10, 1703, it would seem that this right pertains only to the parish priest for deceased members of his parish within whose boundaries the burial church is located. However, Ferraris, in his *Bibliotheca Canonica*, under the word "Confraternity," article 5, reconciles this General Decree with the general principles of law, stating that it should be understood in relation to exempt confraternities, where, in Rome, confraternities often are exempt from the parish. The second question concerns the extent of the privilege that the advocate wishes to restrict only to the members of the confraternity, and not to novices or supernumeraries, since these cannot be considered true confratres, and since, on this point, the parties involved in the dispute are in agreement, he therefore prays that an authentic declaration from the Holy Congregation be added on this matter.

[*Latin ed. p. 544*]

MOST REVEREND AND MOST ILLUSTRIOUS LORD, BISHOP AND REGULATOR. The final point concerns the extension of the fourth funerary right. The advocate recalls that in the city of Sorana, by custom, the Chapter of the Cathedral and the Collegiate Church each receive 25 *libellae* (units of currency), while the parish priest receives 20 *libellae* and a *cera* (a measure of something, likely grain or wax). He requests that this custom also be confirmed by the highest court.

ALLEGED RIGHTS OF THE MEMBERS OF THE CONFRATERNITY OF THE BLESSED DEATH, COMMONLY CALLED "DE' S A C." On the contrary, the Patron of the Confraternity seeks to demonstrate the same right by a different means.

I. By Law. According to the Constitution of Innocent IV, dated April 5, 1260, which states: "All lesser churches of the mendicant orders were declared burial grounds – granting you permission to freely have cemeteries within these churches for the work of the Brothers and for the benefit of your families." Furthermore, the advocate points out, with precision, that in the church of St. Francis, there were 13 family tombs. Therefore, there is

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no doubt that the aforementioned church was a burial ground. However, after the expulsion of the religious, the Members of the Confraternity succeeded to the possession of the church; therefore, their church is a burial ground. The advocate asserts that this conclusion can be proven because the right of burial is not personal, but real. This principle has been affirmed in numerous decisions, and especially by the Sacred Congregation of the Council. The extinction of a religious order cannot be argued to extinguish the right of burial in a sacred place, since the right of burial is real and is connected to the temple that contains the tombs.

Aprutina, January 28, 1893 (and also presented by the opposing side), Ligugina, July 12, 1890, regarding the rights of burial and emoluments of the church of Castelli, February 16, 1867, and, significantly, Urbinate, March 20, 1880, in which, after the establishment of a public cemetery, the Archbishop did not choose the burial place, and, despite this prohibition, a deceased person chose to be buried in the church of the Minor Reformers of St. Bernardine, a dispute arose between the parish priest of St. Donatus, to whom the deceased belonged, and the Minor Franciscans. In this case, the aforementioned statute or ordinance was not declared invalid by the Sacred Congregation of the Council.

[*Latin ed. p. 545*]

SORANA 545 2° By privilege. For, according to the advocate, in the Holy Congregation's decree of the Court of Justice of March 17, 1827, this was clearly recognized by these words: "By the secularization of a regular church, only those privileges and rights pertaining to the regularity are considered to be changed and abolished. But all other rights remain fully in force for the church itself, unless expressly revoked." Indeed, when the church of St. Peter, formerly possessed by the Carmelites, passed into the dominion of the Brotherhood of the Good Death, and it was inquired whether the church of St. Peter enjoyed the right of burial, the Holy Congregation responded: "Affirmatively." From this, the advocate argues that the privilege of burial in regular churches is real, and therefore cannot be revoked if any sodality succeeds in a regular church. 3° By prescription. The advocate notes that in the excavation of the church's subsoil, numerous bones and remains of bodies were found, and especially in a newly discovered ossuary. He states that this clearly indicates that in the church of St. Francis, in addition to the tombs of religious and pagan sepulchers, there was also a common tomb or burial place for the faithful who had chosen to be buried there; and this was in the chapel of St. Joseph. However, the fact that these deceased are not found described in the parish register of the dead does not prove anything, because the religious had a separate book of the dead for recording those who had chosen burial in their church. This custom of choosing a burial place in the church of St. Francis was maintained even after the aforementioned church was

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obtained by the sodality in 1809 through a government cession; and the advocate presents twelve or thirteen cases of members of the sodality who were buried in their church and had pagan tombs. This continued until the year 1842, when the burial of the faithful dead in churches was prohibited by the introduction of a public cemetery, except for pagan tombs, which were later abolished by a dictatorial decree in 1862. From 1857 to 1879, two expositions and funerals of members of the sodality were held in the church of the sodality, and from 1879 until...

[*Latin ed. p. 546*]

546. From the decrees of the Bishop and the regulations, dating to the year 1897, it is evident that both expositions [of relics] and funerals of members took place. The advocate considers it excessively improper to question these practices, since we are dealing with the use of a discretionary privilege, which is not lost through non-use, as is well known in legal circles: "In matters discretionary, prescription does not apply."

4° From the royal concession. The advocate of the Brothers states that the concession granted to the Church of St. Francis by the Royal Government in the year 1808 remains valid for the Brotherhood also in the canonical forum. Indeed, in the Concordat of the year 1818 between the Supreme Pontiff and the King of both Sicilies, in articles 13 and 14, all acquisitions of ecclesiastical property were confirmed, including religious sites that had been alienated. Thus, the Church's possession, which the Brothers previously held only by royal concession, was subsequently also approved by ecclesiastical authority.

With this established, the advocate presents two Royal Rescripts, dated March 2nd and June 7th of the year 1843, which declare the legitimate practice of exposing the bodies of deceased Brothers and conducting their funerals in the church. The advocate notes that these rescripts were issued by the General Council of the Hospitallers of the Province, a council which, according to article XVII of the Concordat, was to consist of ecclesiastical persons and the Bishop of the Province.

Finally, the practice regarding the funerals of the Brothers in the church of St. Francis was already recognized by the diocesan curia. Indeed, when the Prior of the Brotherhood protested against the Chapter of the Collegiate Church of St. Restituta, which claimed to assist at the funerals, the General Vicar of Sora, on April 23rd, 1822, responded: "Let nothing be altered, and let everything be done according to custom in this case and in similar ones." This was confirmed by another similar rescript of the diocesan curia in the year 1836: "Let the rescript issued by us from this curia on April 23rd, 1822, be observed in all respects." This arrangement arose from a new appeal by the Prior of the Brotherhood against the parish priest of St. Restituta, who was unwilling to follow the custom that had been introduced regarding the

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funeral of a certain Brother in the church of St. Francis.

[*Latin ed. p. 547*]

Having stated these points, the defender insists on the confirmation of the resolution already given by the Holy Congregation. However, since the opposing party insists on the confirmation according to the established procedure, he also proceeds to refute their arguments.

Regarding the first point, he denies that it is the duty of the parish priest to conduct the funeral in the presence of the corpse, when the corpse of a deceased brother is to be displayed in the church of Saint Francis. He cites the Decrees of the Holy Congregations of September 3, 1746, and August 12, 1834. He states that when the burial church is different from the parish church, and the funeral procession goes from the parish church to the burial church, another priest of the same burial church, wearing a white alb and stole, or even a black rain cape, should follow the prescribed office according to the Roman Ritual, and in both cases, he is permitted to retain the stole. Furthermore, Vecchiotti, in his *Institutiones Canonicae*, Volume 2, chapter 5, § 60, adds: "The Holy Canons confirm that the parish priest can only claim the canonical portion, or the fourth of the funeral expenses, and a certain amount in the funeral procession to the burial church, through established means."

Regarding the second question, namely, whether the resolution allows the brethren, oblates, and novices to be included in the privilege of exposition and funeral rites, the advocate responds that only one class of brethren is considered, namely, that if a member is admitted to the Sodality, that is sufficient for membership; therefore, the question cannot be accepted. Otherwise, just as, according to common law, the choice of burial is free to any faithful person, without any distinction, the same judgment should be applied, even if a hypothetical distinction is invented by the opposing party.

Finally, regarding the fourth of the funeral expenses, he maintains that he adheres to the common law established by the Council of Trent, Session 23, chapter 13, namely, that the fourth should be paid on that portion which previously was... therefore, he rejects any extension or increase as desired by the opposing party. In particular, regarding the assertion that, according to custom, the Chapters of the Brotherhood receive 25 florins and the parish priests 20 florins in each funeral, in addition to...

[*Latin ed. p. 548*]

548 FROM the Decrees of the Holy Congregation of Bishops and Regular Canons; it declares this to be a clear statement; indeed, in the meticulously kept books of accounts of the Fraternity, the Syndic and the Auditors of Accounts, under oath, testify that no trace of such an emolument is found therein. With both of these presented, the following Question was put for-

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ward for consideration: Whether and how the decision of the Holy Congregation of Bishops and Regular Canons of September 13, 1899, already confirmed on March 15, 1901, should be confirmed or revoked, in this case. RESOLUTION. The Holy Congregation of Bishops and Regular Canons, after again examining all the reasons presented by the advocates of both parties, responded on August 9, 1901: It decreed that this matter should not be further debated.

• FROM the Summary of the Holy Congregation for Indulgences: Indulgences granted by the Most Reverend Fathers to the Pious Unions of the Most Holy Hearts of Jesus and Mary, by the General Moderator of the Congregation of Missionaries of the Most Holy Hearts of Jesus and Mary. I. Plenary Indulgences. 1. To all the Christian faithful, of either sex, who on the day they enter the Pious Union, provided they are contrite, have confessed in the Holy Sacrament, and have prayed according to the wishes of the Supreme Pontiff. 2. To all members of the Pious Union, under the same conditions, when they perform the pious exercise of Perpetual Worship of the Most Holy Hearts. This is especially recommended to the members. Also, on the following feast days: 3. Of the Immaculate Conception of the Blessed Virgin Mary. 4. Of the Nativity of the Blessed Virgin Mary. 5. Of the Annunciation of the Blessed Virgin Mary. 6. Of the Purification of the Blessed Virgin Mary.

[*Latin ed. p. 549*]

FROM S. G. OF INDULGENCES 549

7. The Feast of the Assumption of the Blessed Virgin Mary.

8. The Feast of the Most Sacred Heart of Mary.

9. The Feast of Saint Joseph.

10. The Feasts of the Holy Apostles Peter and Paul.

11. The Feast of Saint John the Apostle and Evangelist.

12. The Feast of All Saints.

13. The Commemoration of All Faithful Departed.

14. Once each month, on the day of one's choosing.

15. On any Feria VI (Friday).

16. On one of the Fridays of Lent, chosen at one's discretion.

17. On Sundays or any Feria VI that precedes the Feast of the Most Sacred Heart of Jesus.

18. On the Feast of Saint Gregory the Great (March 12th).

19. On the Feast of Saint Pius V (May 5th); provided that on these days, having made a worthy examination of conscience, having confessed, and having received Holy Communion, they have devoutly visited the church of the Pious Union, and there have offered prayers to God according to the

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intention of the Holy Father.

20. On the Feast of the Most Sacred Heart of Jesus, or the following Sunday.

21. On the first Feria VI or the first Sunday of each month; if, on these days, they have prayed according to the intention of the Holy Father, as mentioned above, and have recited the Our Father, the Hail Mary, and the Creed each day, together with the following prayer: "Sweet Heart of my Jesus, may I love you always more."

22. At the hour of death, if the members, as described above, or at least contrite, can, with the name of Jesus on their lips, if they are able, or, if not, can devoutly invoke the Heart of Jesus.

II. A. Seven Indulgences of Years, and as many of Forty Days.

1. On the four Sundays that precede the Feast of the Most Sacred Heart of Jesus, provided that each day they recite the Our Father, the Hail Mary, and the Creed, together with the prayer: "Sweet Heart, etc.," as mentioned above.

2. On any day of the novena preceding the Feast of the Most Sacred Heart of Jesus, provided that they have visited the church or public chapel where the said feast is celebrated, and have prayed according to the intention of the Holy Father.

3. On the four Sundays that precede the Feast of the Immaculate Heart of Mary, if they have visited the church of the Pious Union.

[*Latin ed. p. 550*]

550 FROM THE DECREE ON INDULGENCES, CANON 4. On all the feasts of the Blessed Virgin Mary and of the Holy Apostles throughout the entire Church, as prescribed and mentioned above, namely: the Seven Sorrows of the Blessed Virgin Mary (the fifth day of the week after the Sunday of the Passion and the third Sunday of September), the Visitation, the Presentation, the Holy Name and the Holy Rosary of the same Blessed Virgin Mary, the Dedication of the Basilica of the National Shrine (August 5th), the Blessed Virgin Mary of Mount Carmel (July 16th), as well as Saint Andrew the Apostle (November 30th), Saint Thomas the Apostle (December 21st), Saint Matthew the Apostle (February 24th), Saints Philip and James the Minor Apostles (May 1st), Saint Barnabas the Apostle (June 11th), the Commemoration of Saint Paul the Apostle (June 30th), Saint James the Greater Apostle (July 25th), Saint Bartholomew the Apostle (August 25th), Saint Matthew the Apostle (September 21st), and Saints Simon and Jude the Apostles (October 28th), provided that they have visited the church of the Pious Union on those days; 5. On other weekdays of Lent, if they have visited the church of the Pious Union. B. Three hundred days. Each time they participate in the pious exercise, which takes place during the month of August in the church of the Pious Union, in honor of the

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Most Sacred Heart of Mary. C. Sixty days. As often as they perform an act of charity, or an Indulgence of Stations of the City. To the members of the Pious Union who devoutly visit the church and there offer prayers for the intention of the Supreme Pontiff, on the days designated in the Roman Missal, namely: A. A plenary indulgence (after having received confession and the Holy Communion) on Holy Thursday, on the feasts of Easter, Ascension, and the Nativity of Our Lord Jesus Christ. C. Thirty years and as many quadragesimals on the feasts of the Circumcision and the Epiphany of Our Lord, on the Sundays of Septuagesima, Sexagesima, and Quinquagesima, on the sixth day of the week and on Saturday of the Greater Week; on each day of the Octave of Easter and on the Sunday in Albis; on the feast of Saint Mark the Evangelist and on the three days of Rogations, on the feast of Pentecost and daily throughout the Octave and until.

[*Latin ed. p. 551*]

From the Sacred Congregation for Indulgences, 551: On Sundays, and on the feasts of Saint Stephen the Protomartyr, Saint John the Apostle and Evangelist, and the Holy Innocents, [a partial indulgence] of twenty years, and as many quarantines. On Palm Sunday, [a partial indulgence] of fifteen years, and as many quarantines. On the fourth day of the week, on the Feast of the Ashes, and on the Sundays of the fourth week of Lent, and on the third Sunday of Advent, on the vigil, at night, and at Mass on the Nativity of the Lord, [a partial indulgence] of ten years, and as many quarantines. On all the other days of Lent mentioned above, and on the first, second, and fourth Sundays of Advent, on the vigil of Pentecost, and on the four days of the Septemember and December feasts, [a partial indulgence] of ten years, and as many quarantines. All and each of the aforementioned indulgences, except for the plenary indulgence for the article of death, are applicable to the souls of the living and also to those deceased and suffering in Purgatory. IV. Privilege and Indult. All Masses which are canonically celebrated in any altar of a church of the Pious Union, lawfully erected, for the suffrage of the Deceased Members, enjoy the privilege of the altar. Confessors may grant to Sodality members legitimately impeded [from receiving Communion] another pious work, namely, a visit to a church of the Pious Union, which is required to gain the station indulgences, partial indulgences, and also the plenary indulgences from number 3 to 17 mentioned above. The Sacred Congregation for Indulgences and Sacred Relics, having considered the above summary of indulgences granted to the aforementioned Pious Union, has benignly approved it and permitted its publication. Given at Rome, from the Secretariat of the same Sacred Congregation, on the 14th

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of March, 1902. JOSEPH M. Can. COSELLI, Substitute.

[*Latin ed. p. 552*]

552 FROM THE HOLY GENERAL INDULGENCES, POPE LEO XIII. For the perpetual memory of the matter. Having approved of the prayers offered to Us, We grant to Our beloved son, Peter of Nocera, Superior General of the Congregation of the Most Holy Hearts of Jesus and Mary, and to the Most Reverend Fathers Peter and Paul, Apostles, confident in the authority of the aforementioned, the following faculty, for the time being existing for the said Congregation and for its successors, to erect, with the prior consent of the Ordinaries, pious Unions under the title of the Most Holy Hearts of Jesus and Mary, and to grant to all and each of these pious Unions, in their own and in other churches throughout the world, all and singular indulgences and other spiritual graces and privileges previously granted to such a pious Union, and to insert new ones, approved by the Congregation for Indulgences and Sacred Relics. However, We command that all things be observed in due manner in these erections, and especially the Constitution of Pope Clement VIII, Our Predecessor, which begins "Quaecumque," and other decrees of the same Congregation for Indulgences and Sacred Relics. We decree that these present letters are firm, valid, and efficacious, and shall have and shall obtain their full and complete effect, and that they shall fully suffice for those to whom they pertain, now and in the future, in all things and through all things, and that they shall be judged and defined by all judges, ordinary and delegated, and that any attempt to invalidate or nullify them, whether knowingly or unknowingly, shall be considered void and of no effect. Contrary to all that may be to the contrary. We wish that the same faith be given to copies or printed examples of these present letters, signed by a public notary and sealed with the personal seal of someone vested in ecclesiastical dignity, as would be given to the present letters themselves, if they were exhibited or shown. — Given at Rome, at St. Peter's, under the Fisherman's ring, on the 13th day of March, in the twenty-fifth year of Our Pontificate. By the Most Reverend Cardinal Machini, Marin, Substitute.

[*Latin ed. p. 553*]

555 FROM THE HOLY CONGREGATION OF RITES OF ROMA, a question concerning the genuflections to be performed in the choir during the Masses of the Feria of Advent. A solution was sought from the Sacred Congregation of Rites regarding the following questions: I. Whether, according to the rubrics, all those in the choir are to make a genuflection at the words "Sanctus," spoken by the celebrant, up to and including "Pax Domini" in the Masses of the Feria of Advent, etc.; and whether this same practice is to be observed whenever these Masses are celebrated without singing? II. Whether, whenever the choir recites the daily prayers during

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the time of Lent, all, except on Saturdays, are to remain genuflecting even during the commemorations of the simple saints and in the Prayers for the Dead? And the same Sacred Congregation of Rites, after considering the written opinion of the undersigned Secretary, and after hearing the opinion of the liturgical commission, decided to respond as follows: To I, Affirmative. To II, Affirmative, according to the General Rubric of the Breviary, Title XXXIV, Concerning Prayers, n. 4. And thus it responded. On March 4, 1902. D. CARD. FERRATA, Prefect of the Sacred Congregation. D. PANICI, Archbishop of Laodicea, Secretary. A question concerning the apostolic indult for the Kingdom of Hispania regarding the use of sacred vestments of the color blue, whenever etc. It was requested of the Sacred Congregation of Rites whether the Apostolic Indult, which is usually granted for the Kingdom of Hispania, so that sacred vestments of the color blue may be used, includes also the Masses of the Immaculate Conception of the Blessed Virgin Mary, whether festive or votive, and whether it includes also the Masses of the Apparition of the Blessed Virgin Mary Immaculate, commonly known as Lourdes, and of Mani.

[*Latin ed. p. 554*]

554 FROM THE SACRED RITUAL concerning the feast of the Immaculate Virgin Mary, is it customary to use the sacred coin, commonly called the "Medal of Miracles"? And the Sacred Congregation, upon receiving the report of the undersigned Secretary, at the request of the liturgical commission, responded as follows: No. And thus it responded. On February 15, 1902. D. CARD. FERRATA, Prefect of the Sacred Congregation. DIOMEDES PANICI, Archbishop of Laodicea, Secretary.

NOTE: Is it permissible, both on the feast day and in votive Masses, for the Immaculate Conception of the Mother of God, patroness of Spain, to use the color azure? And should the Mass, both on the feast day and in votive Masses, concerning the Apparition of the Immaculate Mother of God, commonly called Lourdes, as well as the Manifestation of the Immaculate, which is called the sacred coin, not use this color? Is it not the case that both of these feasts concerning the Immaculate Conception are such that, as is evident from their proper rites and Masses, they borrow much from each other? Therefore, could not a positive response be considered appropriate in addressing this question? And does it not seem that the negative response is less coherent? This is the difficulty that readers, perhaps especially those who proposed the question, might raise, considering the negative response. But the following should be noted from the opposite perspective: a) There are only five colors that the Roman Church prescribes for use in sacred vestments: white, red, green, violet, and black (Rubrics Generalis Missalis, Title XVIII, n. 1); therefore, the color azure is outside the law. b) Moreover, since the Kingdom of Spain uses the color azure by a special privilege, it should not be surprising that the response is negative.

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For privileges grant only what they explicitly state, especially in the present case, which is certainly contrary to the common practice, and therefore a strict interpretation of the privilege is required. c) Furthermore, although the Apparition and Manifestation of the Immaculate Mother of God relate to the mystery of the Immaculate Conception, nevertheless, they are clearly distinct, and the feast...

[*Latin ed. p. 555*]

From the Sacred Ritual, Canon 555, I understand. For the feast of the Immaculate Conception pertains to the preservation of the Most Holy Virgin from original sin; while the other two feasts have as their object the Immaculate Conception of the Most Holy Virgin, or her manifestation, which certainly are included in that feast, d) It might have been possible for the Sacred Roman Congregation to extend the privilege of the color blue to these feasts. However, since privileges should not be extended except in specific cases, and the Sacred Tribunal did not deem it proper to do so by its authority, but rather wished to enact a law, therefore, the Hispanic kingdom ought to enjoy the right to celebrate Masses of the Immaculate Conception, not only on the feast day, but also on other days when votive Masses are permitted, in the color blue; but for all other feasts of the Immaculate Virgin, whether already granted or which might be granted in the future, it should use the color white, according to common law, as do the rest of the Churches.

[*Latin ed. p. 556*]

556 FROM THE SACRED RITUALS concerning Beatification and Canonization, concerning the Servant of God, Sister Mary Celestial Crostarosa, Foundress of the Monastery of the Most Holy Savior, located in the city of Foggia (1). But let the words of certain outstanding men and women, who testified in the processes of Saint Alphonsus de Liguori and Blessed Gerard Majella, serve as evidence, from which it appears that the holiness of the Servant of God was considered by various individuals during the times when those processes were completed. Brother Alexius Pollio, a lay member of the Congregation of the Most Holy Redeemer, and for the last twenty-five years a servant of Saint Alphonsus, says this about the Servant of God: "One religious, named Sister Mary Celeste, lived a holy life and died with the reputation of holiness." Canon Caietanus Fusco speaks these words: "One certain religious in the monastery of the Most Holy Redeemer at La Scala, named Sister Mary Celeste, was of a very good spirit." And Father Paschalis Caprioli, a Missionary of the Congregation of the Most Holy Redeemer, says: "Such a religious, of most holy life and favored by God with extraordinary graces, who already died with the reputation of holiness in the city of Foggia, where she founded a convent of the Most Holy Savior, called Sister Mary Celeste." And Brother Leonardus Cicchetti,

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a lay member of the Congregation of the Most Holy Redeemer, concerning the Servant of God, says: "Sister Mary Celeste, a religious, died with the reputation of holiness." Father Gaspar Cajone, a Consultor General of the Congregation of the Most Holy Redeemer, designated her as "a religious of holy life, called Mary Celeste." And Father Lawrence Nigro, also a Consultor General of the Congregation of the Most Holy Redeemer, denotes her as: "The Mother, Sister Mary Celeste, died with the reputation of holiness." With almost the same words, Father Dominic Corsano, a Missionary of the Congregation of the Most Holy Redeemer and Confessor to Saint Alphonsus, describes the Servant of God: "A certain religious, called Sister Mary Celeste, of most holy life and favored by God with extraordinary graces, died with the reputation of holiness in the city of Foggia." With almost the same words, Father Deodatus Criscuoli, also a Missionary of that Congregation, indicates her. Even Father Anthony Mary Tannojà, a Consultor General of that Congregation, says of her: "A religious favored by God with extraordinary graces"; and in another testimony, "a religious very favored by God."

(1) See the records of this Volume, page 432 and following, for the complete process concerning Sister Mary Celestial Crostarosa.

[*Latin ed. p. 557*]

From the Sacred Rituals, 557: Sister Mary Zaecagnini, Vicaress in the monastery of the Most Holy Savior in the city of Foggia, recounts, "Our Foundress, Mary Celeste Crostarosa, was a woman highly esteemed for her Christian piety and religious devotion." And Sister Mary Theresa Spinelli, also present there, the Abbess, calls her "a woman of great perfection." Furthermore, Sister Dilecta Depardoin, a novice in the same monastery, celebrates "the Foundress of this monastery, a woman, who was wholly renowned for her name and her virtues, and who is even today remembered with great praise." And Sister Mary Magdalene Stilla, also a novice there, calls her "a woman very advanced in perfection, who delighted in obeying the counsel of the directors of men of God." Brother Anthony De Cosimo, formerly a layperson from Liguria, and later a Cassinese novice in the monastery of the Most Holy Trinity in the city of Cava, calls "that Mother Abbess, in very great esteem of sanctity," and "Sister Mary of Jesus in Ripacandida, and Sister Mary Celeste in Foggia, who died in a state of sanctity." And a little later: "Those two Mothers Abbesses died in a very great state of sanctity, as I have subsequently learned from many people of every faith." Thus, the sanctity of Mary Celeste was spread among all, even after her death!

Concerning Miracles after Death: To exalt the glory of her servant, God worked many miracles. The virginal body of the Servant of God was never subject to corruption, remaining as firm as wood, and never losing its flexibility. This was clearly demonstrated at the time of the translation, when

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the body, clothed in new garments, was found to be such. This is testified to by 47 individuals: "One such Diletta, a professed novice of this monastery, who entered at the age of 12, and lived for approximately 95 years, and died between the ages of 19 and 20, recounted that, at the time of her youth, she had held the body of the Servant of God; when it was transported from the common burial place to the niche where it is now located, and that body was palpable and intact, so much so that they made the sign of the cross, opened her eyelids, and saw the eyes clearly, and they distinctly recognized the veins, as if of a person recently deceased, although more than 50 years had passed since her death."

[*Latin ed. p. 558*]

558 FROM THE SACRED RITUAL concerning the effusion of blood from the bodies of living individuals, specifically concerning the remains of the Servant of God, in the year 1785, then in 1788, and again in the year 1809, while the body was being examined, a vein was cut, and as if from a living body, blood flowed forth, as we have learned. These effusions of blood are so numerous and are confirmed by so many testimonies that they cannot in any way be doubted. Concerning these matters, Saint Alphonsi speaks in the history of Father Tannoja: in the third effusion, a great number of witnesses were present, who even examined the blood itself, and it was found to be in no way different from the blood of living human beings. Furthermore, a process was instituted by Canonico Saggesse, the Cardinal Firrao's Vicar, concerning the second effusion, although today it is lost; moreover, a report concerning these matters was sent to the same Cardinal by another Vicar, Canonico Ricciardi, of which a copy exists; and there exist letters from the Cardinal concerning these matters, in which, because of the prodigious effusions, the translation of the body is ordered. There also exists an ampulla in which the blood flowing from the vein was received, which, having dried, is still preserved; there exist also linen cloths which bear the marks of the blood that was emitted. Finally, and it is accessible to all, there is an inscription placed on the new tomb, which we are permitted to present here: "The remains, after 63 years from her death, still exuding blood, at the order of Cardinal Joseph Firrao, the Superior Ordinary, were transferred from the common burial place by Charles, Canonico Ricciardi, the Vicar and Protector of the Nuns, and placed here on the second day before the Ides of February, in the year 1809." It is also related that, scarcely dead, the Servant of God, at the command of the spiritual director, ordered that all present should make the sign of the cross, which the deceased body performed, and then returned to its previous position. The same thing happened when the body was being translated, at the command of Canonico Savino Biccari, then the Prefect of the monastery of the Most Holy Savior. In the year 1859, on May 25th, as if to foretell the calamitous events of that time, the body of the Servant of God was heard to emit a sigh, and

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the movement of a hand was seen. The miracles which occurred after the translation of the body of the Servant of God greatly moved the hearts of all. "I, being a witness," says one witness, "although still a young man, and not yet capable of forming a judgment on what was being asserted, on one day, while my family was awaiting my father, who was to be a witness..."

[*Latin ed. p. 559*]

"From the decree of the Sacred Congregation for Rites, number 559, which pertains to the translation [of remains], and which was carried out concerning the body of the Servant of God, from the common burial place to the place where it now rests, behold, my father, as if struck dumb by this extraordinary event, returned home and recounted what he had seen. He told the family, myself being present, that, in obedience to the ecclesiastical authority, the body of Sister Maria Celeste Crostarosa had appeared so flexible that it seemed alive; he recounted that the scars from two vesications [burns inflicted by cauterization], with which she had been buried shortly after her death, were still visible; he recounted that, when she was clothed in new garments, her arms, legs, head, and entire body bent as if she were a living person; he recounted that, in the very act of obedience, her hands were offered to be marked with the cross, accompanied by the other of the aforementioned authorities; he recounted that, when also ordered to perform the experiment of a salt solution, with greater astonishment and universal terror of those present, living blood was seen to gush forth from the vein until the wound was closed; he recounted, in short, having seen such extraordinary things, that they moved the entire family to tears; and I, who was present, still remember his astonishment as he recounted it, and the emotion of us all who listened."

"The same witness, number XI. It seems that the Monastery of the Most Holy Savior was founded with a particular care for the Servant of God, and that even after her death, it continues to be cared for. Indeed, through her intercession, this monastery, and those within it, have been preserved; no demons have been expelled, although a decree had been issued to that effect. Moreover, a great fire, which consumed the neighboring buildings, was averted by divine intervention. On one day, it happened that, while all the sisters were grinding the grain and bringing it to the monastery, there was not enough flour to make bread for fifty sisters (for that was the number of sisters who were to be fed). The Mother Superior, who was in charge of this matter, being certain of the situation, invoked the intercession of the Servant of God, and ordered that a diligent search be made to see if there was any way that the small amount of flour that remained could suffice. A sister, entrusted with the task of searching the area where the flour was kept, and who held the key to the storage room, upon opening the chest and finding that the flour was certainly not enough, was ordered to show it to the Mother Superior. But, as she gathered a small amount of

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flour from the chest, and at the same time, fervently implored the help of the Servant of God, it increased so much that..."

[*Latin ed. p. 560*]

560 Whether the custom of receiving novices should be maintained or discontinued, this must be determined, but also what is to be done with those already received. The Servant of God, for many years, took care of her daughters, and even called one of them to her own monastery. Mary Vincentia Palazzo (who is witness number XXIV) recounts that she was perhaps too inclined to worldly things; but when she was sixteen years of age, the Servant of God, appearing to her in dreams, invited her to embrace the religious life in the monastery of the Most Holy Savior; and the young girl, as if her nature had been changed, began to desire this without delay. Her mother, although she had long desired this for the Servant of God, considered it best to postpone the matter for two or three years, until her daughter recovered from a fever; but the Servant of God was so insistent in her prayers that her desire was immediately fulfilled; and upon entering the monastery, the fever subsided. Another young girl from the Ventura family, who was later called Mary Assumpta, and is witness number XXXI, also received a vision while asleep, and was called by the Servant of God to enter the monastery that she had founded, which is what she desired. But upon being received into the monastery, she was so afflicted by the arts of the enemy, and so filled with boredom from the religious life, and so overwhelmed with dismay and fear at having left her relatives and the cloister, that, overcome by anxieties and terrors, she was on the verge of renouncing the religious life that she had embraced, and had resolved to abandon the monastery the following day. However, that night, the Servant of God came to the trembling girl in a dream, and comforted her, and so changed her mind that, upon waking from her sleep, she found everything to be pleasing and delightful, which had been burdensome and unpleasant the day before; and, abandoning her previous intention, she did not abandon the monastery, either that day or ever afterward. Sister Maria Theresia Spinelli (Witness I), who was a teacher of young girls, once saw with her own eyes the image of the Most Holy Mary, which was in the apse, and, looking towards a certain place where two young girls were, she could not recognize either of them; but she knew who they were from what happened afterward. One of these girls, after a certain change, which occurred in the year 1860, when she was very weak, left the monastery and led a wandering and immoral life.

[*Latin ed. p. 561*]

From the Sacred Rituals, 561, it is stated that the Abbess of a monastery should be chosen, and when disagreements arose among the nuns regarding their choice, in a dream, the Handmaid of God, Sister Mary Celestial

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of the Conte, testimony XXIII, was shown that she herself, Mary Theresa Spinelli, would be their Abbess. This seemed scarcely credible, since both the nuns and the Bishop were opposed to it; moreover, she resided outside the monastery for a time, attending to her health. However, shortly after, upon the death of the Bishop, Mary Theresa was unanimously elected to the office of Abbess, and she continues to serve in that office to this day. But many things, even in temporal matters, have occurred to the nuns, inhabitants of the most holy monastery, through miracles and graces, with the help of the Handmaid of God. Sister Mary Amabilis Guerrieri (testimony XXV), having prayed with fervent vows, found, in a most wondrous manner, money in her chest, which she gave to her brother, so that he might pay for his medical care. Many others have also been healed from various and numerous illnesses, and not rarely have been snatched back from the very jaws of death. Sister Mary Carmela Puntillo (testimony VIII), afflicted with a throat ailment since childhood, and with the illness growing worse to the point that the doctors had lost hope, dreamed that the Handmaid of God was consoling her and touching her throat, and immediately, with pustules bursting and blood flowing, she completely recovered a few days later, and never suffered from that throat ailment again. Mary de Stasio (testimony IX), while residing in the monastery of the Most Holy Savior, was afflicted with such a severe illness in her left arm that it was almost withered and appeared dead. When all hope of healing had been abandoned, she placed the mark of the Handmaid of God, which was preserved on her body, upon her arm, and shortly thereafter, she was completely healed and regained her former health. Sister Mary Columba Ciavarelli (testimony X), for a period of five and forty years, was afflicted with intestinal pains, to the point that she was forced to abstain from almost all food; after invoking the Handmaid of God, and applying an image of her to her body, she was immediately healed, and never suffered from that illness again. Sister Clara Sorge (testimony XI) bled for eight consecutive days to such an extent that, completely exhausted, she was given the last sacraments; but while prayers for the Handmaid of God were being offered, her health began to improve. Sister Gratia Maria Palmieri, who had resided in the monastery of the Most Holy Savior (testimony XVII), was afflicted with a weakness in her spine for four or five years, and was unable to stand or bend. But after continuously praying to the Handmaid of God, she gradually began to improve, and eventually recovered completely.

[*Latin ed. p. 562*]

562 From the Congregation of Religious, she recovered, and the centennial anniversary of her death was completely celebrated. Afterward, an impediment to the healing of a dislocation of the arm of the same religious was removed, through her intercession. Sister Paula Mancini, afflicted with a persistent fever, and having left the monastery of the Most Holy Savior,

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– always praying to the Servant of God, – was again received at the aforementioned Alphonsine house, and after two or three days, was completely healed. Sister Concepta Cardone (witness XX), who had been lying in bed for almost a month with a swelling in her leg, was, after being prayed for and implored by the Servant of God, able to rise from the bed and walk without pain. Sister Maria Mathilde De Chiara (witness XXI), afflicted with a terrible tumor, which was to be cut out the following day, while praying to Mary Celestial, felt herself shaken, and felt a certain hand touching her neck, where the tumor was located; and the tumor itself disappeared that same night. Sister Maria Celestial del Conte (witness XXIII), who had suffered from periodic headaches since the beginning of her life, was afflicted with a disease and a fever on the sixteenth day of December in the year 1853; the Servant of God appeared to her clearly, and, grasping her head with her hands, announced her healing, which occurred at the same moment, so that she never again suffered from headaches or any other illness. Sister Maria Consiglia Coeco (witness XXVII), to whom some scraps of cloth taken from the habit of Mary Celestial were applied, which had been placed on her head, was completely freed from the flow of blood with which she had suffered for twenty years. To Sister Maria Divina Curzio (witness XXIX), who was afflicted with a violent fever, had lost her senses, and, having received the last sacraments, was considered by the spiritual physician to be about to die shortly, and while her last moments were at hand, Maria Theresa Spinelli offered her some scraps from the clothing of the Servant of God to eat; and the sick woman, with open eyes, began to speak, and after a few days, recovered from the illness. But others also, both men and women, of every condition, who have entrusted themselves to the protection of the Servant of God, have experienced the power of her prayers with God. In the first place, women in childbirth: she is the protector of expectant mothers, and her image is constantly requested by them. Canon Antonius Maria Guadagno (witness IV) remembers a woman who was having difficulty giving birth; but as soon as she applied herself to the image of the Servant of God, she gave birth happily. Also, Franciscus Paulus Pasculli (witness II) recounts that his wife, after being exposed to a piece of the Servant of God's habit, gave birth more easily than usual. Maria Ioanna.

[*Latin ed. p. 563*]

From the Rituals, section 563, the witness (X X X) recounts that a woman, whose labor had been difficult, saw, during the night, the Servant of God, who announced that a certain Mary would give birth with ease, which, in truth, came to pass. Mary Michaelade Caro (witness X V I) was experiencing such intense labor that she was advised to receive the sacraments and to submit to medical procedures. Brought before the image of the Servant of God in the monastery of the Most Holy Savior, she gave birth with great ease shortly thereafter. A similar event occurred with Antonia Cicerone

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(witness LII). For three days, she was held in the anguish of a very difficult labor, unable to deliver the child. Finally, she was presented with an image depicting the Celestial Mary, and after two hours of prayer, she easily gave birth to her child. Also, the Servant of God, with the greatest kindness, came to the aid of others who were experiencing various difficulties. The witness V I, Clementina Nardone, recounts that, while her brothers and mother were praying and weeping for her father, who had been falsely accused and imprisoned, she saw the sweat of the Servant of God on her face, and that the Servant of God appeared to her in a dream, announcing the father's liberation, and instructing her on the works of piety that she should perform in order to obtain it. And indeed, the father of Clementina was declared innocent by the judge's sentence. Furthermore, Carolina Novelli (witness X V) recounts that, after having prayed to the Servant of God, together with her slave Caietana, she won a lawsuit, which had been very difficult due to a lack of evidence, because four or five months prior, the same Servant of God had foretold this to Caietana in a dream. Through her intercession, the oxen of Joseph Zaccagnino (witness X L I X), which were afflicted by a disease, were healed. In the Cerase family, there had been grave animosities between Michael and Mary, Joseph's sister, due to the marriage she had made against her own will. Mary Alphonsina Cerase (witness X X X I I I), the other sister, who was a novice in the monastery of the Most Holy Savior, and who constantly prayed to the Servant of God, so that her brothers' wills might be reconciled, began to intensify her prayers on December 14th of the year 1855, which was the hundredth anniversary of her death. She did not cease her efforts. Indeed, he, to whom she could not even pronounce the name of her sister without being seized by anger, offered easy solutions, so that, with little effort, harmony might be restored among the family. Also, the Reverend Father Vincent Ricotta, of the church of Saint...

[*Latin ed. p. 564*]

564. From the Sacred Rituals, Augustine (witness LXIV, II, from official records) has experienced the patronage of the Servant of God on numerous occasions, and in particular, on one day, when he was preparing to deliver a sacred discourse, his mind was so disturbed by anxieties and worldly concerns that he felt he had no power to think, to speak, or to compose anything. Therefore, while engaged in his discourse, the Servant of God, without any apparent preparation, began to speak with such eloquence and clarity that he seemed to have never possessed such a gift before. How many illnesses and infirmities the Servant of God has cured in his people is scarcely believable to recount. We have already mentioned that remarkable miracle, in which a woman, wishing to see the body of the Servant of God shortly after his death, was suddenly granted the ability to see before a large multitude, and this miracle has many witnesses, and a depiction of it

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remains. Also, it is related that at the tomb of the Servant of God, which was kept locked and sealed, it was discovered that only one of the two cushions on which his head rested remained. What had happened to the other was later learned. The Dominican Canon, Potignone, was told by a craftsman who made confession to him, and he confirmed it under oath, that while he was already ailing and devoted to the Servant of God, the Servant of God appeared to him and placed that cushion on his head and chest, and that upon contact, he was healed. And the Canon affirmed that he had carefully observed that cushion being kept by the craftsman. Laurentius, son of Antonia Nataccio (witness V), whose right leg was withered, which happened when he was seven years old, was so contracted that the young man had to use crutches to walk. After six years of suffering, the Servant of God, of his own accord, offered Antonia the promise of healing for her son. And three days later, while the mother was fervently praying, this happened unexpectedly. Also, Alia, the unfortunate mother, Mary of the Celestial Court, was restored to great joy. Rachel Tancredi (witness XXVIII) also had a son named Augustine, who was lame, and who, with great faith and many prayers, approached the tomb of the Servant of God. After some time, while Augustine was sitting in a chair, unable to stand or walk, his mother saw him gazing at the image of the Servant of God, and she heard him calling out, "Mother," and she saw his feet rising, and, upon being invited, he ran to his mother, and he embraced her with his arms.

[*Latin ed. p. 565*]

From the Rituals, section 565, it is known. Thus, a certain event occurred in time. A young son of Aloysia Vitali (witness LI), afflicted with a nervous disorder, was seized by violent fits of insanity, to the point that it became necessary to confine him in a hospital for the insane. However, after having been presented with the image of the Servant of God, and having received her devotion, his health and sanity were restored within three days. Also, Consilia Urban, afflicted with a very painful disease of the left eye, having seen the Servant of God twice at night, experienced a sudden healing. Vincent Nigra, a doctor of medicine, narrates the following miraculous cure of a contagious typhus: "In February of the year 1864, while attending to soldiers suffering from petechial typhus, and especially since two doctors had already fallen victim to their zeal, after approximately 20 days of attending to about 600 sick individuals, I myself was infected with the same disease, so severely that on the eleventh day of the illness, already deprived of my senses from the third day, I was about to surrender my soul to God. In this calamitous circumstance, my wife, named Maria Raffaella Coccia, seeing that the doctors were of no help, gave me to drink a small portion of water in which she had soaked a piece of her garment, and she placed the image of the Mother Priora under my pillow. Around midnight, she told me that I, as if awakened from a deep sleep that she could better call

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a state of unconsciousness, called out: 'A nun has come to visit me, and she has taken away all the pains that I had; now I am well.' The next day, I regained my senses, and I was free from all the terrible after-effects of that illness. I believe that this event is a truly wondrous miracle: only God, through the intercession of the Saint, could have accomplished such a thing in these circumstances." In the conservatory of Santa Maria Magdalena, while Concepta Ruggieri was praying before the image of the Servant of God, along with her brother, the priest Antonio Ruggieri, and her sister-in-law, Sister Modestina Bevilacqua (witness XLII), who was married to Seraphino Scafino, and who was herself ill, and Laetitia Patella (witness XLIV) was with them: the image was seen to be perspiring. When they called out, and the other religious sisters had left, they all saw the same thing: indeed, that cotton cloth, which had been dried, began to sweat anew. Both of the sick individuals recovered: of whom, Theresia, who had been afflicted with apoplexy the previous month, was deprived of the use of her right limbs.

[*Latin ed. p. 566*]

566 FROM THE SACRED RITUAL: Even Anna Giannetta (witness XIV) experienced the help of the Servant of God. Having suffered for eight years from a very serious illness and acute pains, and with no hope of recovery, she saw the Servant of God one night, and was touched by her, and was restored to perfect health. In a similar manner, Catherine Novelli (witness XV), whose children were gravely ill and whose own health was failing, and who, in order to obtain this, offered prayers to the Blessed Virgin Mary, gradually saw an improvement. Likewise, Maria Joanna Carella (witness XX) obtained the same restoration of health for her husband, Vito Valvano, through the intercession of the Servant of God. This man had returned home wounded by a violent injury to his finger, and a sore appeared; afflicted by pain, and with his arm infected, he had no hope of recovery, except by having the arm amputated. Through the invocation of the intercession of the Blessed Virgin Mary, and through the use of her image and relics, the sick man felt, while sleeping, a foreign hand touching his own, and after three days, the doctors affirmed that a miracle had occurred, and he was restored to health. It is no less remarkable that Faustina Sinisi, widow of Spinelli (witness XXXV), who was afflicted with a very serious inflammation of the pleura, and who, while praying for the help of the Servant of God to the Most Holy Savior for her health, saw the Servant of God appear to her in a dream, foretelling her healing: she was very ill, but immediately the illness lost all its force, and she regained her former health. In the same way, Lucy Boffa, widow of Dedda (witness XXXVI), who suffered greatly from severe hemorrhages, experienced the help of the Servant of God, having on July 12th of the year 1878 suffered a very violent hemorrhage, and being consumed by weakness, she invoked the help of the

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Servant of God, and obtained such a complete recovery that the following day she was able to get out of bed. Also, the Servant of God Philumena Consalvo (witness LIV) extended her help, who for fifteen days had been afflicted with a very painful pain in the side of her abdomen, which the doctors were unable to relieve. While invoking her in a dream, she appeared to her, and touched her abdomen, and that pain immediately vanished at that moment. Dominic Lizzaniquoque (witness LIX), having been afflicted with a very serious lung disease, and having lost all hope of recovery, was cured within a few days after placing the image of the Servant of God on his head. The same happened to Francisco Meola (witness III), who, after swallowing pieces of cloth from the clothing of the Servant of God, and from a multiple and deadly illness, from which he was believed to be dying, returned to health. But others also, to whom the doctors had given up all hope, and who were already...

[*Latin ed. p. 567*]

FROM THE SACRED CONGREGATION OF RITES 567, the sacraments had been administered, and even now, while the dying lingered, pouring forth their prayers, the Servant of God interceded for them, snatching souls from the very jaws of death. Thus, Raphael de Mita, eighty-five years of age, was seized by a very grave form of consumption. Indeed, when his sister, Clara Sorge (Witness XI), an affinal relative, had begun to offer seven days of prayers for him to the Celestial Mary, his strength was restored. Likewise, the parent of the sister Mary Rubino (Witness XLVII), invoked the intercession of the Servant of God, and was almost called back to life near the tomb. Furthermore, the sister Pellegrina Narducci, who was suffering from a deadly sore throat, and, with her throat swollen, was about to emit her spirit, recovered almost immediately after a particle of the Servant of God's habit was placed upon her chest by Theresia Modula (Witness LV), who was fervently praying. And Dominicus Vinciguerra, seized by a very severe angina, was approaching death. For, after the necessary preparations for his funeral had been made, the physician had predicted that he would exhale his last breath either in the first or second hour of the night. But at that very hour, Mary Celestial appeared to the ailing son in a vision, and promised him healing: which he received with reverence, so that the physician could not believe that such a recovery could have been achieved by the natural forces of the body. The healing of the villager Martin Conticelli is also to be noted. A terrible disease, which had seized him, quickly spread throughout his entire body, and the physician had abandoned him, considering his condition hopeless. But, behold, the Lord's servant, the Servant of God, whose image had been sent to the villager, appeared to him, saying that everything was forgiven: and at that very hour, Martin began to recover, and was seen by everyone.

CONCLUSION: Since the sister Mary Celestial has been endowed with

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such outstanding virtues, and since God has manifested her sanctity through so many and such great miracles; and since the virtues and miracles of her works, which have been accomplished by God, have obtained and still obtain a constant and lasting reputation; it seems to us that it is certainly appropriate to initiate the cause for her Beatification and Canonization. Therefore, we humbly implore you, Most Eminent Fathers, and with us, the Reverend Lord Peter Canonicus Crostarosa,

[*Latin ed. p. 568*]

568 FROM THE SACRED CANONS. The Urban Prelate, and the Promoter of the Cause, request; and furthermore, many Archbishops and Bishops, the monastic community of the Most Holy Savior, the faithful citizens of Neapolis, and all those who desire the introduction of this Cause, have diligently petitioned the Supreme Pontiff, and have presented their petitions in accordance with the established procedures; and, above all, the General Moderator of the Congregation of the Most Holy Redeemer, which was established by the will of God through the venerable Alphonsus de Liguori, first inspired to found it through the intercession of his devoted sister, Mary Caelestis Crostarosa.

OBSERVATIONS OF THE REVEREND FATHER PROMOTER OF THE FAITH REGARDING THE DOUBT: Whether a Commission for the introduction of the Cause should be appointed, and for what purpose.

Most Eminent and Reverend Lord, the Handmaid of God, Sister Mary Caelestis Crostarosa, whose Cause for introduction is proposed today at the Sacred Chapter of this Order, was born in Neapolis in the year 1696, in the very same year in which the most holy Alphonsus de Liguori, celebrated for his sanctity, was born. It was by Divine Providence that both found a judge of their merits, namely, the Reverend Father Falcoia of the Pious Works, who, after being appointed Bishop of Stabiensis, and while in Rome, about to receive the episcopal consecration which he had desired, wrote to Alphonsus, urging him to be concerned for the soul of Mary Caelestis.

Alphonsus, entrusted with this task, was greatly disturbed, for in those days, great rumors had spread concerning certain visions experienced by Sister Mary Caelestis, which were the talk of all Neapolis. Nevertheless, Alphonsus diligently followed the advice of the Reverend Father Falcoia, and, indeed, he appointed him as his delegate, and he always listened to his words and followed his guidance, as long as he lived, holding his opinion in the highest regard.

[*Latin ed. p. 569*]

From the Sacred Ritual, number 569, it is related that, from the very beginning of all things, he patiently endured whatever happened, which later contributed to the founding of the Congregation of the Most Holy

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Redeemer, an example of Christian fortitude. For, it happened that when Alphonsus was first considering a new undertaking, above all others, the Most Reverend Father John Mazzini, General Consultor of the Congregation of the Most Holy Redeemer, Associate Moderator and Confessor of Saint Alphonsus, presented these inquiries regarding the reputation of his sanctity of life: "Then the Servant of God, Alphonsus Liguori, having heard this testimony, affirmed: 'I saw one day that he (namely, the Servant of God, Alphonsus) was confessing in the church, and I heard a spiritual conflict that he was having with a nun of that monastery in the confessional; and when he had finished confessing, he went up to his house and retired to his room, where he was visibly agitated. It was already the time for dinner, so I decided to go in to find out what the matter was; if the aforementioned conflict had been the cause, I told him that, even if it had not been a matter of confession, he should have frankly revealed it so that we could see what could be done to remedy it. Hearing this, the Servant of God said to me: 'Sister Maria Celeste (this was a religious of that monastery) told me to leave Naples and found an institute here, dedicated solely to carrying out missions in the villages and rural areas that are in need of spiritual help, which is lacking there, as it is not lacking in the city and cultured places, because this is the will of God; but how am I to do it? It is not possible for everyone. You know my commitments in Naples, the work of the Missions, and other cares for the good of others; and he said many other things on this particular subject, exaggerating the impossibility of success, and at the same time, not following the suggestion of that religious, he opposed the divine will; and therefore, amidst these doubts, he felt his spirit failing. Then I tried to console him with many reasons, especially saying to him: 'Do not despair, my Father Alphonsus; who knows what God wants; we must think about it.' And because he had consulted with very virtuous and learned men, among whom were Father Ludovic Fiorillo and a Dominican, he 'took some time to ascertain the will of God; finally, he assured him that this was the will of God, and that he should carry it out.'" I testify.

[*Latin ed. p. 570*]

570 From the records of the Sacred Congregation of Rites, excerpts pertaining to positions concerning the cause of the Servant of God, now Saint Alphonsus Maria de Liguori. Therefore, when reading the biographies of both, one will marvel that Saint Alphonsus and Saint Maria Caelestis were separated for so long; for she passed away in the year 1755, that is, twenty-three years before Alphonsus; but already in the year 1839, by Pope Gregory XVI, he was raised to the number of the Saints, yet not a few of her followers have already attained the honors of the Blessed, and many contend that they deserve the same. It is truly marvelous to consider that the cause for the introduction of the Servant of God was considered many times, as is evident, because of certain extraordinary events which God is said to

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have wrought through her remains: "For this reason," says the witness, Reverend Mother Sister Maria Theresa Spinelli, Superior of the Monastery in Fodiana, "I have always desired with all my heart the beatification and canonization of the same (S. D.). For a long time, the religious community and the public have desired this; therefore, the following means were employed, which, as the miracle of the blood, as will be explained below, Monsignor Saggese, Archpriest of this Church, now Cathedral, presented to Pope Pius VI when he was consecrated Bishop of Montepeloso, namely, he presented petitions and documents to initiate the process, as can be seen from a draft copy from the then Vicar of the Nuns, Canon D. Carlo Ricciardi, addressed to Cardinal Firrao, which indicates to the Nuns the expenses required for the beatification, which would not have been incurred if the Nuns had not inquired about it. Thirdly, according to the public desire, even in recent years, the community and I, as Superior, made a similar request to Monsignor Bernardino Frascolla, Bishop of this Diocese, who, knowing also through other means of the sanctity of the Servant of God, promised to take care of it. Fourthly, I myself entrusted another time to the Reverend, now deceased, Priest D. Anthony Rubin, a well-known person in Rome, to promote this cause, which, however, did not have more effect due to the circumstances of the time." The argument, prompted by the passage of time, as the witness indicates, is that in all causes, it is easy...

[*Latin ed. p. 571*]

From the Sacred Congregation of Rites, 571, it is indeed impossible to do more; therefore, despite the delays that have been caused, which may arouse suspicion among the petitioners, it remains to be seen whether the conditions are met. For, according to the privileges granted, it is not permissible, as Pope Benedict XIV wished in his celebrated Decree of the year 1741, to examine ancient causes that, due to the lack of witnesses, should have remained forever silent; for the condition imposed in the aforementioned Decree states: "unless, however, this condition is not met, if the process has been unduly delayed by the ordinary authority through malice or culpable negligence, until no witnesses remain." At least, are the proofs upon which the cause rests, as the second condition of the same Decree requires, of a perfect nature in their own kind? This will be the subject of the following CHAPTER. Concerning the Proofs. These are contained in the process, which is constructed in the ecclesiastical court by the ordinary authority. It is easily apparent from the records of the same process that more matters have been admitted than are strictly necessary for our purpose; however, since we are dealing primarily with the ordinary inquisition, I do not deny that this is not entirely irrelevant; therefore, I will gladly set it aside for the time being, and discuss it in a more appropriate forum, should the validity of the processes be questioned. In the meantime, it is best to say something about this one matter. In the year 1870, a Decree of this Holy Order was

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issued, in which it was stipulated that "in no case shall the same person, in the conduct of processes, whether ordinary or apostolic, pertaining to the same cause, be able to successively perform different offices, even after the previous one has been completed and dismissed, by means of a nullity subpoena." This is a grave sin against the wise prescriptions of the law, since the Reverend Vincent Ricotta, who, as a witness, had been examined in the exercise of his office, was later elected as a notary in the same process, and thus performed that function. Therefore, in view of the aforementioned Decree, to which a clause has also been added that it is invalid, unless the most holy Prince shows benevolence, this defect cannot be remedied in any other way. This is indeed serious, but more serious are the matters that affect the very validity of the proofs. Furthermore, if the number and nature of the witnesses presented in the judgment are considered, there are indeed sixteen, which is more than a hundred.

[*Latin ed. p. 572*]

372 FROM THE SACRED CONGREGATION: How useful are these proceedings! For more than sixty witnesses were summoned, some questioned only about a particular fact, while the others, if one excludes barely three or four, although they are called witnesses, are in truth those who are inflaming the proceedings, having scarcely satisfied the interrogators, and a person who respects equality, considering all the others, is taxed with something, be it a particular grace or some other wondrous fact. The very judges were not unaware of this, and therefore, perhaps thinking that from those sixty-two witnesses examined, very little of real benefit would be gained, they decided that the witnesses themselves should be questioned again, in order to fulfill their duty. "And after the aforementioned witnesses (namely, sixty-two) have been examined," it is written in the proceedings, "the Lords Judges of Ulm and Rhi found that the examination of all the witnesses, under summons, had not established nullity regarding any of the interrogations presented by the Reverend Fiscal Advocate, and they declared to the aforementioned Reverend Advocate that they were of the opinion that more witnesses should be summoned by the Advocate for the cause, in order that their examination, which previously had been a burdensome and superfluous matter regarding only certain interrogations, might be completed, and that, according to all and each of the previous examinations, everything omitted might be renewed." A wise person, who had always sought the good, would have understood that, if the witnesses were instructed in the knowledge of the matters at hand, they would be of service; but, since these were ignorant of almost everything about the Servant of God, their ignorance served only to confirm itself. It does not seem that, even if they were protected, the witnesses themselves would reveal what they were questioned about, speaking of themselves. Indeed, although in a second examination they may sometimes offer something,

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which, as is almost always the case, pertains only to the fame of miracles, they answer new questions with such responses. Witness XXIII, who in the first examination had stated that she had lived for fifty years in a monastery (founded by the Servant of God), and that the nuns had known the Servant of God, when questioned again, said: "It is useless to ask me why I know her, for I only go to visit her; and this for two reasons: first, because in my youth I did not pay attention to speaking with the contemporaries of the Servant of God; and this, because these old women were fleeing so as not to be with the same ones (sic). Secondly, because I..."

[*Latin ed. p. 573*]

From the Sacred Ritual, 573: Witness XXIV: "I know only what is written in her life, so in answering all the questions, I will do nothing but repeat what is written therein, concerning her birth, her childhood, her virtues, her penances, the extraordinary graces received from God, and everything else." Witness XXV: "I would ask you to be patient with me in answering all the articles; because, besides what I have said in the interrogatories (and not only in the first examination), I know nothing more. Moreover, anything that I might be able to assert from my own knowledge is to be found through the reading of the life of the Servant of God." Witness XXVI: "Having not been a contemporary of the Holy Abbess, nor having known any of the ancient nuns who were contemporaries of the Foundress, I can add nothing to what I have said in response to the interrogatories. The facts mentioned in the articles from the first to the two hundred and sixty-fourth, do not seem new to me, because I find them narrated in the same way, and I read them in the life of the same Holy Abbess, as is commonly known; but I can add nothing of my own, and therefore, in my answers, I must repeat what is generally known from the reading of the aforementioned life." Witness XXVII: "All the articles cited, and about which, when reading them, you ask me, are nothing more than a repetition of what I have always read in the life of the Foundress Abbess, which is the only source from which I have always learned these things; since I neither lived at the time of the Holy Abbess, nor did I know those who knew her; therefore, to avoid useless repetitions, I say that everything that is stated in the aforementioned articles is known to me through that reading, without me being able to add anything else." And, furthermore, Witness XXVIII states: "Repeating this examination, I must preface my response with the following declaration, so that I am not (thus) in contradiction to what I said in the ninth interrogatory. In answering this interrogatory, I said no, and I stated then that I knew nothing else about what was asked of me in the following interrogatories, and that was the truth; because, although I had read the life of the Servant of God, and had learned many things from it, nevertheless, since I had read that text many years ago, my knowledge of it was completely confused. Having then been notified that I was to be recalled for the examination, I

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prepared myself by reading the aforementioned life carefully, which is the only source from which we, who live so far away, can know anything about her."

[*Latin ed. p. 574*]

574 FROM THE SACRED RITUAL concerning matters pertaining to death. I recall the questions that were put to me during the interrogations, but since I find the articles to be clearer and more direct regarding what is referred to in the Life, and because these answers (thus presented) must be prepared according to the law, I respond. These things demonstrate that oral tradition, which, as they say, should be a subsidiary means of proof, was used in this case. Indeed, even if other things were lacking, the testimonies of the witnesses are significant documents: for, according to them, legitimate or indirect proof almost entirely supported the Life of the Servant of God. Moreover, the very same Servant of God, at the command, as it is asserted, of her Confessor, wrote it. But what if those who presented the case did not legitimately connect it? The Patron of the Cause saw the difficulty, and his diligence deserves full credit, as evidenced by certain testimonies in which the Servant of God is mentioned, and which pertain to the positions formerly held by the Servants of God Alphonsus de Liguori and Gerard Maiella, and which appear to be transcripts. However, it would have been more appropriate if he had also presented the letters that, as the witnesses remember and as is indicated in the very Life itself, the Servant of God frequently gave to her superiors, namely, Father Falcoia and Saint Alphonsus; for, although diligently, they were nevertheless insufficiently examined in the legal review of the documents. Furthermore, the witnesses say that a letter, sent by Saint Alphonsus to Mary Caelestis, in which the same Saint vehemently rebuked her, exists; therefore, this letter must be known; otherwise, a just judgment cannot be rendered. And these are the matters concerning Proofs. CHAPTER SECOND Concerning the Reputation for Sanctity. Benedict XIV, when speaking of the reputation for sanctity, which, when a cause for canonization is requested, should be a fundamental element of the entire matter, seriously warns the Postulators: "Therefore," he writes, "the Postulators must fully and conclusively prove in their writings and summary the reputation for virtues and miracles." But in the case of Mary Caelestis, it is not permissible to assert this reputation: firstly, because in Fodiana, which is only a city,

[*Latin ed. p. 575*]

According to the established ritual, an Ordinary Inquiry was instituted, although in other places, the investigation was different. It is known that Mary, having reached her twentieth year, remained with her family in Naples, and subsequently went to Marigliano, where she resided among nuns who followed the Carmelite rule, until the monastery was closed

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due to the excesses of a certain tyrannical lord who asserted feudal rights over it. Then, encouraged especially by her confessor, she went to Scala, near Amalfi, and entered a monastery which had been founded there by the Reverend Father Falcoia. The signs with which she was initially endowed ceased to appear, and a great division of spirits arose afterwards, when the new rule began to be questioned, which Mary claimed had been revealed to her by the heavenly Mary. Soon, she was forced to leave this monastery, and in the meantime, she resided for several years in Nuceriae Paganorum. Finally, she received a position in Fodiam, in Apulia, where a new monastery was established, to which the name of Saint Salvator was given, and she governed it, along with others, until the year 1755. Therefore, in order that the fame of the heavenly Mary might be fully confirmed, not only in Fodiam, but also in other dioceses to which the aforementioned places belong, an inquiry was necessary. Indeed, if any handmaid of God has attained a reputation, it is not, as it should be, from the practice of heroic virtues, but rather from the fame of miracles, which, as I believe, is evident from what has been stated above concerning the testimonies. Certainly, while these, with very few exceptions, are extremely devoted in prayer, and when the question is about the life, virtues, and deeds of the heavenly Mary, many objections are raised, because it is a matter of relating wonderful things, which are attributed to her, and a large part of the witnesses are called upon to speak only of the fame of miracles. Therefore, there is no reason to be surprised that the accounts are replete with wonderful things and heavenly gifts; however, it will be helpful if something of this is omitted here, especially for those who are most inclined to form an opinion of sanctity, particularly among women. Witness I says: "Regarding the visions, I remember the one she had in Marigliano, when our Lord Jesus Christ appeared to her visibly. The altar that she had in Scala, when, after being afflicted by so many tribulations, our Lord Jesus Christ appeared to her visibly..."

[*Latin ed. p. 576*]

576 According to the sacred rites, she was comforted, embracing her with her left arm, and speaking many words of consolation to her. Finally, when Our Lord Jesus Christ appeared to her here in Foggia, during the elevation of the Sacred Host, showing her the form and color of the habit that her religious sisters were to wear, and then explaining the significance of the vestments." The witness adds: "Of this last vision, there exists in the monastery a painting on canvas, which is said to have been painted by the Servant of God herself."

Immediately thereafter, she continued, speaking of the ecstasies: "Regarding the ecstasies, she adds that these were not only private, but mostly always public; and she mentioned to me that the life of the Foundress was a continuous ecstasy, and that when she walked, it seemed as if she had

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not touched the ground."

Since we are speaking of true ecstasies, the following is relevant, as reported by Witness LXIII: "Concerning special events, she recounts that in the Monastery of Marigliano, one morning, entering the choir, because, fearing to be seized by an ecstasy in the sight of everyone, feeling a great love of God, she sought to close herself in her cell and lay down on the bed. There, transported by the beauty of her heavenly Spouse, who clearly appeared to her mentally, she was seized by a profound ecstasy, in which a ray, vibrating from the same heavenly Spouse, struck her heart, causing it to come forth from her heart; she remained there as if lifeless, feeling a strong pain in her heart. While she was experiencing such happiness, her religious sisters, not seeing her come out, rushed to her, fearing some misfortune, and since they observed her as if she were dead, they shook her several times to try to revive her. She recovered, although saddened, because she saw herself deprived of the heavenly consort. Therefore, for this vision, her body suffered greatly; for an entire year, she remained afflicted with pains in her nerves, and she had a continuous fever."

Furthermore, concerning what is related about the Blessed Virgin Mary, the same witnesses add: "And, as Witness I recounted to me, from the (nonmonial) companions of the Servant of God... that the Servant of God, when she passed into Paradise, no longer had a heart, because she had consumed it entirely and given it to her heavenly Spouse."

This lack of a heart in the Servant of God, the witness continues, is something about which they are ignorant, and how the ancient contemporaries of the Saint knew it.

[*Latin ed. p. 577*]

EX 577 S. C. RITUUM: It is to be noted that, as Testis XXXIII narrates among others: "I heard that, while our Holy Foundress was living, a certain image was miraculously sent by the Mother of God, the Most Blessed Mary, of herself, which she caused to fall from heaven while her Servant was in prayer. This image was sent to Roma, and it was sought after by all the sick, and we still preserve a copy of it today." And frequently in her biographies, which were written by the Servant of God herself, we find these passages: "Another time (thus does the Servant of God speak) while I was experiencing an appetite and nausea of the stomach, I suddenly, without reflecting, desired a *sfogliatella*, which was being made in the monastery. I thought nothing more about it, nor did I mention it to anyone. The following morning, a lay sister brought me a warm *sfogliatella*, sent to me by the Mother Vicar with an explicit command that I eat it; therefore, I was astonished by this, having not revealed to anyone that desire which I had so fleetingly experienced. Then, having met with the Mother Vicar, I told her how she had learned of this. She replied that, while in bed that morning, she heard an internal voice saying, 'Make a *sfogliatella* and

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have her eat it, because she desires it and needs it.' This filled me with confusion and embarrassment, considering the benignity of this Lord, who even thought of such trivial matters for my sake." Furthermore, mention is also made of the appearances and incursions of demons: "But the demon (thus it is written) was furious with rage over this matter. Although he was accustomed to making a noise at night to disturb those good religious women who awaited him with all the fervor of their spirit, but in a particular way, at that time, when these congregations were held in Napoli, he began to persecute us in such a way that there was no day, nor night, that he did not frighten us with diabolical illusions, with loud crashes, and with diabolical appearances. One night, while those religious women were all in bed, during the hour of the great silence, the Demon visibly appeared to them entering through the door of the novitiate, in the form of a large black dog, with its mouth open and growling, and he pulled the blankets off of one novice, who was the first, being near that door, and he gave her a blow to the side so terrible, that..."

[*Latin ed. p. 578*]

578 E X . S. C. RITUUM: "A stone, of considerable size, struck me, in such a manner that for three days, that part of my side remained so painfully afflicted, that for those three days, I could neither walk nor move." The Spiritual Father commanded me, in virtue of holy obedience, to cease from this pain; and so it ceased." One evening (as it happened, in that place), while the Religious were reciting the Matins of the Divine Office, amidst the voices of the Religious, one could hear, as it were, the voices of animals, which echoed in the same tone, like the voices of beasts, so that they disturbed the Religious to such an extent that they could not properly complete the Matins, partly because they moved about as if they wished to jest, and partly because some were frightened. On another day, while a Religious was walking silently through the garden..., a quantity of stones were heard... and they were thrown by an invisible hand, from the very same place in the garden. The situation was such that, when I happened to be passing through the garden, I made her withdraw, in order to end this affair, because I suspected that it might cause some notable harm. When that Religious departed from that place, she felt a push on her arms by an invisible hand, which for many days kept her arms so painfully afflicted that she could not move them." It would be tedious and troublesome to recount individually all the things which the Blessed Virgin Mary narrates, not only concerning these vexations by demons, but also concerning apparitions, visions, and other charisms. Therefore, since these matters have been described, it was wisely decreed by this Holy Order: "Nothing should prevent further inquiry, but the accounts should not be given without the consultation of the Congregation." These are but a few examples, and when you consider that the fame of the Blessed Virgin Mary is attributed not

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so much to her virtues, but rather to these very marvels, you rightly infer that her fame, although deserving of full praise, cannot be completely and conclusively proven, for, as taught by Pope Benedict XIV, it is nothing other than: "an estimation or common opinion concerning the purity and integrity of life, and concerning virtues, not in any way, but through continuous acts, exercised upon a common measure of the proofs of other men or women." As also stated by St. Caesarius (in Direct. Can. lib. 2 cap. 2), the Supreme Pontiff affirms: "These things are called fame and renown among many."

[*Latin ed. p. 579*]

From the Sacred Canons, section 579, concerning those who are renowned for sanctity, it is generally held and constantly proclaimed that, while they lived, they were virtuous and persevered in holiness until death; that is to say, they were just before God, walking in all the commandments and justifications of the Lord without reproach, and they were found without blemish, and after the autumn [of life] did not stray, and they preserved the purity of the Faith, and flourished in excellent holiness and shone forth in miracles. And therefore, their life and their deeds can be presented to others as an example to be imitated.

But let us now speak of obstacles.

CHAPTER THIRD

Of Obstacles.

A grave and extensive subject for objection, among other things, is the so-called "vision" of the Handmaid of God in the Monastery of Scala. For it is reported that in this monastery, in the year 1725, on the feast of the Rogation Days, she had a certain heavenly vision, and that it was revealed to her by divine inspiration that a new institute should be founded, and that new rules should be prescribed for it. When this was first learned by her confessor, Father Falcoia, "of the Pious Works," who was then in charge, he considered her to be deceived by an illusion, and he was very displeased. But later, when he came to Scala, he changed his mind, and he presented the new rules, proposed by the Blessed Virgin Mary, to the nuns, who, after deliberation and with the support of the community, all agreed, with the exception of their superior, whose sentiments the Reverend Father Filangeri, Prefect of the Congregation of the Pious Works, feared. As Father Berthe, of the Congregation of the Most Holy Redeemer, the most recent biographer of St. Alphonsus (Vol. I, p. 76), writes: "He declared himself against the new rule, against Sister Mary Celeste, whom he called a visionary, and against Falcoia, who, according to him, had been caught in the snares of Satan. He forbade the latter to say a single word, either publicly or privately, about the transformation of the convent. In

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order to cut off the supposed evil at the root, he declared, by solemn decree, through the theologians of the Congregation, that the events at Scala had the devil as their author, that Mary Celeste was only a hallucination, and that Falcoia was a deranged mind." The news soon spread throughout the city of Naples. Not content with these measures, which were already quite radical,

[*Latin ed. p. 580*]

580. From the writings of Father Filangeri, it is clear that he wished to compel the nuns to expel Sister Marie Celeste from the convent, but they responded that they believed they would sin gravely if they treated a person in such a manner, who had not deserved it in any way. To punish them for this resistance, he forbade Father Falcoia from entering the convent and even sent a letter to him. The Father, yielding to the command of his superior, and upon returning to Naples, immediately communicated to Alphonsus everything that had happened to him at Scala, as the aforementioned biographer states (i.e., page 80). He recounts with great interest the accounts of the venerable old man; but, having been strongly prejudiced against the visions of Sister Marie Celeste since the theologians of Filangeri had condemned them, he was careful not to take sides.

In the meantime, Father Filangeri died, seized by apoplexy. The Abbot of the nuns of Scala, who had so strongly favored him, was replaced, and Father Falcoia was elected Bishop of Stabiensis. With his encouragement, Alphonsus went to Scala, and there, after questioning each of the nuns individually, he abandoned the opinion he had previously held, which was adverse to the visions of the Handmaid of God, and he persuaded them, with the will and joy of all the nuns, and even with the consent of the Abbess herself, who held the highest office, to accept a new rule.

And this was not the end of it; for, since "this rule, elaborated by Marie Celeste according to her revelations, was nothing more than a simple outline, a general view of the virtues that the nuns were to practice in imitation of the Divine Savior, the habit they were to wear, and the manner of life they were to lead" (Berthe, loc. cit., page 87), Alphonsus, before the Most Reverend Lord Guerriero, Abbot of the Church of Scala, spoke for so long that he finally permitted Falcoia to elaborate the rule, but on the condition that the work would be reviewed and corrected by Father Alphonsus de Liguori, who, he said, had his full and complete confidence (ibid., page 89). This, which had been agreed upon by both Father Falcoia and Alphonsus, was finally fulfilled, and on the feast of Pentecost in the year 1731, all the nuns professed the new rule.

But "after the execution of the rules of the Servants of God, as recounted

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in Testimonies XXVIII, some time later, she (D. F.) went..."

[*Latin ed. p. 581*]

FROM THE SACRED RITUALS 581: The most terrible encounters and persecutions, which she had never before experienced, occurred. On the eve of the feast of St. Francis of Assisi in the year seventeen hundred and thirty-one, she had a vision, known to her by divine revelation, that God willed the foundation of a Congregation of men under the same title of the Most Holy Savior. Maria Celeste, having had this vision, communicated it to her spiritual father, and then, upon returning to Scala, St. Alphonsus de Liguori, she manifested the same vision to him, adding that she was destined to be the Founder of such a Congregation. At first, he did not accept this, but rather, more than once, he rejected it. However, after carefully considering the matter and consulting with devout and prudent persons, he was on the verge of putting it into effect, when the Devil, using deceit, took advantage of a spiritual father who had succeeded St. Alphonsus. Seeing that the Servant of God was unwilling to allow herself to be guided by him in spiritual matters, he incited her to rebellion against all the religious of the Monastery, persuading them that this was required by the glory of God, and even advised them to act unjustly against her. The last words of the Reverend Father Falco, as witnessed by Testis, and indeed, Testis LXII, inquiring into the causes of this fierce discord, states the following: "Secondly, because the love of the spiritual father himself had been flattered by a novice of the same Monastery, whom he considered to be of a good spirit, who said that it was not St. Alphonsus, but he, who should be the head of the Congregation of the Most Holy Savior. Thus, the same spiritual father, wishing to direct the spirit of the Servant of God according to his own will, which the Holy Mother could not obey, as Jesus Christ had commanded; it happened that the monks of the Monastery united against her, who had disobeyed the spiritual father, and outside, that is, the Congregation of men, was divided by the novelty that was being introduced. Truly, this persecution, as the Witness states, was felt more deeply by the Servant of God, both in terms of spiritual distress, and because the Lord seemed to abandon her, and because the nuns were incited to persecute her by the same spiritual father, who called her deluded and mad, even forbidding her all communication with anyone, even with her sisters, and confining her to a solitary and dark place on a loft, and even forbidding her the Holy Communion. The entire community was assembled in Chapter, and the Superior, by order of her superiors and of the religious,..."

[*Latin ed. p. 582*]

582 FROM THE SACRED RITUAL, and following the suggestions of the Spiritual Father, he wished to impose that the Handmaid of God should swear to obey the Spiritual Father, but since she could not assent for the

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aforementioned reason, she was finally ordered to leave the Monastery... " But this, as the witnesses believe, cannot be asserted of the Reverend Father Falcoia, for those, who are renowned for their virtues, are most certainly not subject to such impositions regarding the virtues of the Venerable Alphonsus of Liguori, as is widely known; indeed, they openly contradict, and especially contradict, the most wise judgment that the same Saint Alphonsus expressed, who, upon the death of the Reverend Father Falcoia, was unable to restrain himself. " One understands," writes the Reverend Father Berthe, "the sorrow that Alphonsus felt upon learning of the death of his spiritual father, who, for more than ten years, had guided and supported him through the difficulties of the foundation. In order to perpetuate the memory of his virtues, he wrote, as the Bishop of Milan assures us, a memorial of his holy life; but this work, for which he had gathered many documents, was not brought to print. He taught his family to venerate the man of God, as he himself venerated him. In the house of the Redemptorists of Nocera, alongside the portraits of Alphonsus and his first companions, there is still today an old portrait of the Bishop of Castellammare, upon which one reads this inscription. If you ask why the image of Monsieur Falcoia is found in this place, it is because, in the early days of the Congregation, when our Reverend Father Alphonsus-Mary of Liguori was establishing his great work amidst contradictions, Mr. Falcoia was constantly his counselor and his support." Given these things, it is rather necessary to say that all the controversy stemmed from a Handmaid of God, who, as it seemed too much to attribute revelations to her, which she claimed were made to her by God, maintained that she could not add anything to the new rules and proposals; therefore, especially the Reverend Father Falcoia began to distrust her: "For some time, this sister (D. F.) suffered internally to see the Bishop of Castellammare interpret the rule in his own way, which God had revealed. If God truly inspired this rule, as Alphonsus and Falcoia acknowledge, it must not be permitted to alter its substance." When she complained to Falcoia, he...

[*Latin ed. p. 583*]

"From the Sacred Ritual, 585, concerning matters that seemed to compromise the work of God, he responded to her with severity that the Church is the judge of private revelations, and that, after all, her revelations might perhaps be illusions, which tormented the conscience of the poor sister..." (Father Berthe). Moreover, Mandarini, Tosque, and Donato, who had more easily adhered to Mary Celestial, stated that "they did not accept in any way the interpretations of Falcoia. In accordance with the fears of Marie-Celeste, the Bishop of Castellammare seemed to them to give too much weight to the revelations over the rule." But Alphonsus did not hold this opinion. "On this point, the founder had a manner of seeing diametrically opposed to that of his companions. - Disposed with all his heart to create

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the redemptive work that Heaven deigned to entrust to him, he believed that he should accept in all things the direction of the man chosen by Providence to explain to him the views of God on this work. In his opinion, the Bishop of Castellammare, director of the sister Marie-Celeste at the time of the revelations, was the true interpreter of those very revelations. Today, November 15th, he wrote, anticipating new struggles, 'I make a vow never to leave the institute, unless the director of my conscience obliges me. Furthermore, I make a vow never to feel the slightest doubt about my vocation, and to obey in all things Falcoia.'" The biographer concludes: "One will see from the course of this narrative that if the Congregation exists, it owes it to this heroic vow." However, this does not move the Servant of God. Indeed, "Without going far, Marie-Celeste also believed that, given her manner of interpreting the rule, the directions of Falcoia would be fatal to the new institute. As long as one deliberated to know if the revelations had God as their author, I was obliged to remain silent; but since the work has been declared divine, I believe that I must resist, in the execution of this work, the enterprises that seemed to me to hinder or distort the designs of God; not in order to assert what I have, but out of respect for the truth. This situation was necessarily going to lead to a crisis. It began with the very grave resolution that the sister made not to entrust to Falcoia the direction of her conscience." This most unjust thing happened to Alphonsus, who at that time celebrated with Mary Celestial.

[*Latin ed. p. 584*]

584. From the Sacred Congregation of Rites, a letter was received, which it is necessary to examine; meanwhile, it is fitting to relate, as the Biographer recounts, the purpose of this correspondence. "Although you have a saint, a man enlightened by God, who has been given to you as director, and who has guided you for so many years with a wisdom for which you could never sufficiently thank Divine Providence? He has humbled you in humility and abjection, but was it not necessary to act in this way in order to tame your proud spirit and to overcome all attachment to your own judgment? Sister Celeste, I speak to you in this way for the glory of God and for the good of your soul. Do not be angry with me, and above all, do not try to find replies and counter-replies to all of this. Believe me, Sister Celeste, humble yourself before God, and He will grant you His lights. Obey your superiors, and you will not go astray. If you refuse to refer to me, or to Mr. Falcoia, at least seek counsel from disinterested persons; but take counsel with the firm intention, not of being given reason, but of embracing the truth as soon as you know it. Once again, dear Sister Celeste, everything that I have written is due to the affection that I bear you in Jesus Christ, who has dictated it to me. If you take offense at me, you will be unjust towards me. May Jesus and Mary give you the grace to accomplish the will of God alone." Nevertheless, still tenacious in her purpose, Maria

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Caelestis could not be dissuaded, and therefore she preferred to leave the monastery of Scala, rather than to deviate even slightly from the initial plan. These matters, which are the foundation of the entire cause, must be made clear; therefore, in addition to the documents already mentioned, of which I have spoken above, it will also be necessary to present that which is written by the Biographer: "These facts recorded in the biography of Sister Marie Celeste are also found in a report by Sister Marie-Raphael (Matilde de Vico), a report in which the latter solemnly affirms the absolute truth of these events." May the wishes of the Postulators be fulfilled! And if this should come to pass, not only for them, but it will also be pleasing to me myself.

[*Latin ed. p. 585*]

FROM 585 S. C. RITUUM RESPONSIO AD ANIMADVERSIONES R. P. D. SANCTAE FIDEI PROMOTORIS SUPER DUBIO: Whether it is fitting to establish a Commission for the introduction of the cause of which we speak. Most Reverend and Venerable Fathers, nothing more auspicious could have happened than that, at the very beginning of the Most Reverend Promoter of the Holy Faith's observations, the names of Saint Alphonsus of Liguori and Mary, Mother of God, should be joined together. For we believe that no one, upon reading a commentary on Saint Alphonsus, and on Mary, Mother of God, will ever be able to separate the thoughts of one from the other. Indeed, it is evident that that most holy man, servant of God, experienced such a great need for the intercession of Mary, that, when one thinks of him, one cannot help but remember her. For, in truth, Alphonsus had Mary, Mother of God, as a guide and moderator of his own counsels, and even of his conscience. And he himself acknowledged that he was filled with the divine grace of Mary, Mother of God, and that he had learned of the divine will concerning the founding of the Congregation of the Most Holy Redeemer. Therefore, it is scarcely possible to say how often and how widely it has been desired by the faithful, and how fervently it has been requested, that, now that Alphonsus of Liguori has already been granted the honors of the blessed, that the same honors should be bestowed upon the handmaid of God. And these are our own desires, and they are all the more fervent, because we have a firm hope that the day will come when, with the approval of the Supreme Pastor of the Church, a Commission will be established for the cause of Mary, Mother of God. But, from this very observation, the Most Reverend Promoter may have foreseen that certain difficulties might arise, and he has presented a preliminary objection, as it were, that it is to be wondered at why Mary, Mother of God, has now reached the threshold of the sacred forum, whereas Alphonsus, who departed this life twenty-three years after her, was already enrolled

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among the Saints by Gregory XVI in the year 1839.

[*Latin ed. p. 586*]

586 Having been appointed from the Sacred Congregation, he holds office, but some, perhaps better, have attained the honors of the Blessed; others, however, contend that they are entitled to the same. This, indeed, is a very astute point. Our censor asks, what is the reason for this great delay in the case? But surely, delays of this kind suggest suspicion of negligence, or at least of indifference, on the part of the Postulators? And if negligence or indifference has intervened, how can we avail ourselves of the privilege granted by Benedict XIV in the decree of 1741, by which ancient causes, which would otherwise have been silenced forever due to the lack of witnesses, were to be consulted? Indeed, the censor adds, the condition attached to that decree must be remembered, namely: "But if it should appear that the process has been unduly delayed through malice or culpable negligence, and that there are no witnesses available, then..." Certainly, the difficulty arising from the passage of time, by which the servants of God have passed away, so that no witnesses are available, cannot, by itself, be an obstacle to the introduction of the cause. For many of the Blessed Saints were enrolled among the ranks of the Church both before and after the aforementioned decree, and their causes were not initiated until a very long time after their death. Moreover, the passage of time alone would not be sufficient reason to cause causes "which, otherwise, are worthy of being promoted by the judgment of God and of men," to be completely and permanently abandoned simply because of the lack of witnesses, due to a non-culpable deficiency, especially when it is said that God, without attending to such a deficiency, is heard to have invited his friend to ascend to heaven with clear signs and prodigies from the sky. This is the very decree that our most learned opponent seeks to strengthen and support his objection. Indeed, that decree is certainly clear and unambiguous in its provisions. Nor is it permissible to exclude our case from the benefit of this privilege, which applies to older causes, simply on the assumption that the Postulators may have been negligent or culpably negligent in preparing or conducting the process. Furthermore, if the assertion is not converted into a true demonstration, there is no reason to speak of suspicion where there is no basis for it. And it is true that you have a basis for accusing the Postulators of a serious crime, namely, that they deliberately delayed the process, so that...

[*Latin ed. p. 587*]

From the Sacred Congregation of Rites, 587: Why were the causes of the blessed delayed? Surely, there was no reason, nor could there have been: neither a prior reason, nor a posterior one. Indeed, I say a prior reason. For the very utility of the cause itself strongly suggested that, if it were possible,

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no delays should be introduced in the proceedings; since the cause itself, far from causing any detriment, would, on the contrary, bring great benefit, if so many illustrious individuals, who had witnessed the heroic virtues and sanctity of the Servant of God with their own eyes, would present all these matters in the light of day before the judges of the Church, and would confirm them with their testimony. And indeed, a posterior reason. It is certain from historical accounts that those concerned did not fail to strive to initiate the cause of the Fodian. In fact, so that one might not accuse them of negligence, it must be admitted that they abundantly fulfilled everything that was incumbent upon them. For, already in the beginning of the eighteenth century, that is, not many years after the death of the Servant of God, when those marvelous manifestations flowed from her very body, the Archpriest Saggese, as he journeyed to Rome to be consecrated Bishop of Monte Peloso, presented petitions and documents to Pope Pius VI, the Supreme Pontiff, to initiate a process. This is confirmed by copies of letters sent to the Vicar of the Religious, Canon Charles Ricciardi, and Cardinal Firrao. It is also confirmed by a letter of response from the same Cardinal, which is still preserved, in which necessary expenses for promoting the cause of beatification are mentioned. Furthermore, in the preceding nineteenth century, Bernard Francis Frascolla, Bishop of Fodian, undertook and initiated the process, which, however, was abruptly interrupted in the year 1860, when that most learned and Christian Bishop was forced to flee and go into exile due to the disturbances. Then, again, his successor, Bishop Jeremiah Cosenza, took up the work interrupted by his predecessor, and, after offering fervent prayers to the Apostolic See, he diligently strove to ensure that no further delays would be placed in the introduction of the cause of Mary of the Celestial Rosary. Furthermore, it is worthy of note that the people of Fodian and the nuns of the monastery of the Most Holy Savior never ceased to implore their prelates, nor did they cease to promote their own efforts, so that, by the common will and inflamed desire of all, they might act with due diligence.

[*Latin ed. p. 588*]

588 FROM THE SACRED RITUAL, concerning the procedures for comparing the merits of the Blessed with those of the Servant of God, it is permissible, according to the most wise laws of the Church, to proceed. The Reverend Mother, Sister Maria Theresa Spinelli, has presented the most eloquent testimony, which we offer to your consideration: "For these reasons, I have taken to heart the cause for the Beatification and Canonization of the aforementioned (Servant of God). Since the time I became a Religious, that is, from the year 1833, I have known that this desire has always existed within the community and among the public...". Here, she recounts what we have already narrated, which was also reported to us by the Bishop. She then adds: "Following the public desire, and for a few years

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now, the community, and I as Superior, have made a similar request to Monsignor Bernardino Fraseolla, the Bishop of this diocese, who, knowing also through other means of the sanctity of the Servant of God, promised to take care of the matter. I myself have also once again appealed to the Reverend, now deceased, Father Antonio Rubino, a person well known in Rome, so that he might promote this cause, but due to the circumstances of the times, it had no further effect." These are historical facts: nor can the most astute Promoter of the Faith escape affirming them. I believe that He has granted us very little, when, after considering this last testimony, he wrote down only these words: "That the cause for the introduction of the Servant of God had been considered on several occasions." I am not mistaken; from the documents presented, it is clearly evident not only that the cause for introduction had been considered on several occasions, but that it had been acted upon and labored for on several occasions. Nor do we fear the objection that might be raised by the opponents, namely, how it is that this cause has now "reached the threshold of this forum for the first time." We judge the matter not by its outward appearance, but by the immense labor and the difficulties that had to be overcome. But how much effort, and how many grave obstacles, preceded the work of the Postulators! And truly, should we disregard the difficulties that arose from the very antiquity of the matter? I beg you, most esteemed Judges, to recall to mind how many calamities, how many struggles the Church endured during the latter half of the eighteenth century, and throughout almost the entire nineteenth century. Recall, above all, the enemies to whom the sacred habitations of the Virgins were subjected, how many convents and temples were attacked, how cruelly their goods were plundered, how many faithful servants of Christ were subjected to the most cruel laws...

[*Latin ed. p. 589*]

From the Sacred Ritual, section 589, they were terrified, struck down, and overwhelmed. Furthermore, it is added that the Most Holy Savior Nuns were not treated with either kindness or respect, and that in the year 1860, they suffered this additional hardship: that Bernardinus Frascolla, the Bishop of the diocese of Fodi, who had devoted so much effort to the cause of the Most Holy Mary, Star of the Sea, was driven from his see into exile. To these Sisters, who were, as it were, like beloved children, and who had experienced every form of human support, and to whom, moreover, a law had been enacted that allowed them to be expelled, there remained nothing but to surrender themselves and all things to the divine will. I believe that anyone who considers these things will not hesitate to agree with our most humane Censor, who wrote: "An argument, prompted by the circumstances, which can be easily adapted to all cases, and which it is not known how to improve." Oh, that it had been so that these circumstances, with so many civil wars and tumults, had not caused such

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a long delay in our cause! For the goodness of this cause is so great that I do not seem presumptuous in thinking that, even in times of tranquility, it might have reached the most desirable port with favorable winds. But, besides these things, it must also be remembered that there was a difficulty that completely prevented the Fodian affair from being expedited. The difficulty of raising funds is a matter that we must discuss, for, as we know, it is necessary for every cause of beatification or canonization to be undertaken or promoted. And how could the Nuns have obtained the money, who were not only not rich, but were, in fact, the most devoted to poverty, which was the very vow they had made at the beginning of their religious life? And indeed, this poverty, as has always been the case among the Sisters of the monastery of the Most Holy Savior, was such that they had to rely on the charity of others to obtain the necessities of daily life, which are most important for sustaining life. And so, what fault could these most prudent women have, if they could not remove those long delays, which were not due to a lack of will, but to a lack of money? Moreover, it must be added that these delays would not have been removed so soon, if the Most Reverend Peter Crostarosa, the Archbishop of Urbis, had not himself come forward to meet this difficulty. This man,

[*Latin ed. p. 590*]

590 "Regarding the sacred rites which we honor, and with equal piety and zeal, to which even the blessed Gabriella Crostarosa is joined in blood, and also united with the Celestial Maria, having accepted the office of Postulator, she attributed all expenses to herself, which were necessary and required to pursue and carry out the cause. In order that this charity of hers and this devotion to divine glory may bear the greatest fruit, we earnestly implore God. One thing remains: that the most just Judges may note that since the year 1891, all matters have been presented to us promptly, so that the Congregation of Sacred Rites could establish a commission to introduce the cause of the Servant of God, Maria Caelestis Crostarosa. However, the Promoters of the Faith, although most diligent and eager to commend, overwhelmed by the multitude of affairs, have been forced to postpone their observations on our writings until the year 1901. We mention this, so that it may become increasingly clear that, among the many and varied causes, the question which is presented to your judgment today, most esteemed Fathers, does not, in any way, involve any evil, deceit, or culpable negligence on the part of the Postulators. But now, having settled this preliminary question, let us hasten to address the objections to the testimonies presented, upon which our cause is based. CHAPTER. Concerning the Testimonies. Since our testimonies are contained in the process which was instituted by the ecclesiastical authority of the Fodian Curia, it is certainly not necessary to repeat them here. However, the Promoters of the Faith affirm that the expenses incurred are more numerous than

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those admitted by our side; nevertheless, they do not consider them so serious as to warrant the Ordinary to initiate an unwarranted investigation. Therefore, they now propose to remit this matter to another judicial seat, namely, to that seat where disputes regarding the validity of processes are usually held. But for the time being, it is best to say this: contrary to this, the wise decree of this Order, which was issued in the year 1870, states that "henceforth, in establishing any processes, whether Ordinary or Apostolic, and those pertaining to the same Servant of God,"

[*Latin ed. p. 591*]

From the Sacred Regulations, 591: "The same person, successively holding different offices, may, after the previous one has been completed and terminated, exercise the subsequent one, without any nullity." However, it is a sin to contradict this decree, for, as the Reverend Vincent Ricotta, who was examined in his office as a Notary, was afterward, in the same process, appointed as a Notary, and exercised this new office. We frankly admit and recall that the aforementioned decree was issued in the year 1870, with the added clause of nullity, and that it has been violated once in the Fodiana process. This is clearly evident to anyone reading the catalog of witnesses and the process itself, as the esteemed censor has pointed out. But is this a violation of the law, or an abuse of someone's authority, or, finally, a sin? I believe that our adversary, who we always know to be most equitable, would be extremely horrified by even the thought of this. Certainly, obedience to the law is not present, but this is due to the fact that the law was simply unknown. It is not surprising that the decree in the Fodiana court was not known. Just as it sometimes happens in civil affairs that certain new regulations, presented to legislators, are overlooked by the patrons or experts of the law, because the exigency of time prevents them from learning about them; so it can happen in the ecclesiastical forum that certain things, which can rightly be called ancient in our law, are either unknown or forgotten by those who have nothing older than obedience to the law, and who seek to accomplish nothing that is not in conformity with its precepts. This, I believe, is all the more true for the Fodiana court, since that diocese is relatively recent, and therefore the experience of its people in conducting processes that serve the Beatification and Canonization of Saints is less extensive. Therefore, if anything in the wise discipline of this sacred forum has been relaxed, it should be considered as a material fault, not a formal one. Indeed, according to the teachings of moral theology, every fault must be free from all deceit, all fraud, and all malice; and in such cases, the Church, the most benign of mothers, is accustomed to grant indulgences to those who are otherwise most deserving. It is sweet to us to seek this indulgence, and therefore we earnestly pray to the Supreme

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Pontiff, that he may grant an indulgence for the fault,

[*Latin ed. p. 592*]

592 From the Sacred Congregation of Rites, the Quinqueodian Process [a type of inquiry], without the knowledge of the judges, was introduced, and he wished to influence them with his authority. But the most learned Defender of the Faith said that "those which touch upon the very force of evidence" are more serious. And to demonstrate this, he stated the following: namely, that in the Fodian case, many witnesses came forward, but few of them were useful. Why? Because, whether they were witnesses or opponents, with the exception of three or four, all of them, as if concerned with some particular fact alone, were so ignorant, and offered so little in the judgment, that they seemed to affirm something "which, for the most part, relates to some particular grace, or some marvelous event." The judges, the zealous Censor added, understood that very little benefit was derived for the case from so few testimonies: therefore, they decided that the witnesses should be questioned and examined again. But this objection, which at first appears weighty and solid, is easily refuted. For, it is objected, our cause cannot claim to have three or four witnesses who attest to the celestial virtues and the many miracles of the Most Holy Mary, which do not undermine the faith. But it is scarcely possible to say how far this assertion is from the truth. And indeed, why should we not have more than three or four witnesses, so that our cause might not be rejected? It is known that even in our case, we have almost always had only one witness. But can you not say, by the same reasoning, that we could have two witnesses? And certainly, we could not have any witnesses at all, if there were three. But it is much less the case that we have no witnesses, if we find that there are four, especially when, as the judge himself finds, nothing is discovered that can be opposed to their testimony. Therefore, from this very fact, which the distinguished Censor conceded to us, we can sufficiently prove before our judges that what we have undertaken to prove in our cause is true. And I said, deliberately: let us not have more than three or four witnesses, so that our cause might not be rejected. For we know that we must strive to have both witnesses and opponents well prepared, so that we may have six or ten, or even more, to testify; for it is very difficult to find such a large number of witnesses in other cases. But, truly, let each of you, judges, after reading the summary, see for yourselves whether the testimonies are useful.

[*Latin ed. p. 593*]

E S S . C . RITUUM 593. Nulius momenti est quod magna pars testium, a Judicibus in Processu Ordinario ad testificandum vocata, rursus adhibita sit, et ex hoc argumento inferatur quod ipsi denuo interrogati fuerint, ut abipsis aliquid elicetur, quod tandem causae prodesset, quod ex respon-

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sionibus istorum aliorumque testium adhuc non in tuto posita esset. Hanc interpretationem, quae, ut videtur, gratuita et historicae veritati minime consentanea est, repudiamus: et mirum est nobis quod eam adeo clarissimus Fidei Promotor suscepit, ut suam eam facere non dubitavit. Duo enim verissima sunt. Primum, quod tanta copia testium fuerat, ut, ad vitandum onus superfluae probationis, Judices censuerint nonnullis tantum interrogatoriis plures testes examinandos esse. Alterum est quod ipsi Judices, cum comperissent examen alicuius testium super omnibus et singulis interrogatoriis non institutum, statuerunt non quidem omnes sexaginta et duo testes ad iudicium revocari, sed ex iis aliquot solummodo, qui, in primis interrogatoriis, aliquid omissum habebant. Oportet, ut verba Processus, quae ad hanc rem faciunt, et nos inde exscribamus. « Et expleto examine supradicti Testis, cum Illmi. et Rmi. Domini Judices comperissent Testium omnium examen sub poena nullitatis super omnibus et singulis Interrogatoriis a Rmo. Domino Promotore Fiscali exhibitis instituendum esse, eidem Rmo. Domino pandiderunt sibi animo esse, ut iterum in iudicium vocentur plures e Testibus, et causae Postulatore inductis (non igitur sexaginta et duo), ad hunc effectum, ut scilicet ipsorum examen, quod antea ad vitandum onus superfluae probationis super nonnullis tantum Interrogatoriis factum fuerat, modo compleatur, et iuxta omnia et singula in antecedenti examine omissa renovetur». Quin igitur paucitatem probationis, ut vides, dolerent Judices, veriti contraria haec plus aequo excrevisset, ab excutiendis pluribus testibus, quoad omnia et singula, abstinuerant. Quod si postea et hos peculiari magis et severiori examini subiecerunt, propterea id egerunt, ut admitterent errorem, quo profecto factum erat, ut plura testimonia a juris normam irrita haberentur. At Adversarius, sagacissimae suae insistentiae obiectioni, quod scilicet duo et sexaginta testes denuo examinati sint, quoniam...

[*Latin ed. p. 594*]

594. The Most Reverend Judges, it is argued that the testimonies from the Sacred Congregation have scarcely contributed anything of benefit to the cause, and that, even after a repeated examination, they have not served the cause well. The reason for this is clear: for they, as they themselves admit, knew almost nothing about the Handmaid of God. To prove this, certain witnesses, who were summoned to give evidence in the trial, are quoted, and in their own words, the following two points are presented to demonstrate their ignorance: first, that they scarcely offer anything in response to new questions, except what pertains to the fame of miracles; secondly, that they confess that the only source of their knowledge is the account of her life, which the Handmaid of God wrote at the command of her confessor. But, most esteemed and Reverend Judges, can we truly believe that the Defender of the Faith will rely on such testimonies? And first of all, I would like to point out that, even if those few witnesses, whom

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the accuser calls, offer nothing but what pertains to the fame of miracles, this does not mean that a further examination of the cause is useless. For, in addition to the fact that every error is corrected in such an examination, it also provides the opportunity for many witnesses to present what they know about the virtues and sanctity of the Celestial Madonna, Mary. But it is truly astonishing that, when so many testimonies of this kind are found in a new examination, the censor focuses on those in which, due to some chance ambiguity or perceived difficulty, he seeks to find fault, rather than on the substance of the matter. Why, I ask, did the testimonies not take into account those that were given by those who testified in the XXIII session? And why, I beg you, were those memories not recalled that were recorded in the process by those who testified in the XXVIII session? In those and in these, not only would the fame of miracles have been mentioned, but also many things would have occurred that speak of the birth, childhood, adolescence, actions, and the most holy life of the Handmaid of God, and of her very precious death in the sight of the Lord. But those very witnesses, whom the most diligent censor, namely XXIII, XXIV, XXV, XXVI, XXVII, and XXVIII, recently mentions, do not offer the testimonies of the sanctity of the Handmaid of God that would serve the cause. Whoever asserts this is clearly deceived. Indeed, regarding the recent testimonies...

[*Latin ed. p. 595*]

From S. C. RITUUM 595, the following is to be investigated. The witness XXIV, at the beginning of the new interrogation, stated: "It is useless to ask me, for I only know what I have already said." But, forgetting what follows immediately: "I remember that the Servant of God, in Baptism, was given the name Giulia, and in her youth she was the model of the young girls of her time, but this young woman, having somewhat cooled in her fervor, later repented and sought to atone for her shortcomings through general confession, with tears, and with severe penances. I cannot specify them, but I have always heard of heroic virtues practiced by her, of heroic penance, and I remember having held in my hands instruments of penance, which were taken from her confessors at the time. I remember having heard about her very great persecutions, suffered because of her faith, by her superiors, "confessors, priests." I remember having heard about her prodigious death, etc." As you can see, the witness does not mention a single miracle, but rather speaks of heroic virtues and a holy life. The witness XXIV says: "I know only what is written in her life, therefore, in answering all the questions, I will do nothing but repeat what is written in her life, concerning her birth, her childhood, her virtues, her penances, the ordinary graces received from God, and everything else." Could the testimony have been stronger, in affirming heroic virtues and the most holy morals, as all would find in the commentary on Titus, which was written by the Servant of God himself? But this commentary does not speak of the miracles that

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were said to have occurred after her death, but rather makes the reader more certain about the things that the Servant of God accomplished. But please, let us continue and consult witness XXV. This witness of this mode offered the following testimony: "I would ask you to refrain from asking me about all the articles; for, besides what I have said in the Interrogatories, I know nothing more." In this testimony, the witness declares that she knows nothing beyond what she has already answered in the preliminary examination; but furthermore, if anything more is desired to be learned, she refers it to others. If, however, you read the previous answers, you will find in them some things that testify to the fame of miracles of the Servant of God, but you will also find enough testimony that clearly proclaims her own holiness. In addition, these words: "All the people with whom I have spoken..."

[*Latin ed. p. 596*]

596 From the Sacred Ritual, it is declared that, whatever their condition, all should be devout and prudent. This is the general belief, and it has never been interrupted. But is it perhaps the case that the most illustrious Promoters of the Faith have raised objections, as are read in the testimony of XXVI? By no means, indeed. And furthermore, the witness XXVI, besides stating that the Blessed Mary, Queen of Heaven, is rightly called "Saint," as is commonly known, affirms that nothing can be added to what she had stated in the initial questions, and moreover, she asserts that everything she has said is consistent with all that is contained in the previous one hundred and sixty-four articles of the examination. But what is actually presented in these articles, if not that which most effectively demonstrates the virtues of the Servant of God, and which is of the greatest value in showing the sanctity of her life? And with regard to those matters that pertain to the examination that has already taken place, it is important to recall what the same witness stated: "The opinion of all is that the Servant of God is already a Saint, and that no one has ever said the contrary." The witness XXVII also does not diminish the fame of the miracles of the Servant of God, for she says: "All the articles cited, which you have read and asked about, are not a new petition, but what I have always read in the life of the Foundress, etc." And afterwards: "I can say that it is a general opinion that the Mother Superior is already in the glory of Paradise; because her virtuous life, known by her contemporaries, and the events that occurred after her death, spontaneously gave rise to the judgments that she had died a precious death." Finally, let us also consider the witness XXVIII, which, although it may seem insignificant, is, in fact, most useful to us, since it confirms that the fame of the miracles of the Servant of God is justified, if she promises to answer all the questions that are proposed to her in the new examination. Hear her own words: "I remember the questions that were asked of me in the interrogatories, but since in the articles I find things that

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are clearer and more direct regarding what is said in the life, so that I may answer the questions that are presented to me." We have already said, and it is not uncommon, that in the articles, the Servant of God is spoken of in terms of her heroic virtues and her sanctity.

[*Latin ed. p. 597*]

FROM SACRED RITUALS 597: Whatever the case may be, I believe that the arguments of the most esteemed Defender of the Faith do not possess much weight. For, while he alleged that the witnesses were ignorant of the virtues and sanctity of the Blessed Virgin Mary, and that they had been presented in order to demonstrate this, he argued that they had spoken only of miracles, and that he selected six of them, who, it seemed to him, were the weakest. But, since it has now been demonstrated to us that these witnesses were instructed in knowledge and brought forth more that was advantageous to the cause in the matters that were questioned, I truly do not see how he can congratulate himself on the introduction of these six witnesses. However, the Adversary also disapproves of the witnesses for this reason, because they confess that they have learned everything they present in court from a commentary on the life of the Servant of God, which certainly would constitute subsidiary evidence, of which the head should be oral tradition, not written accounts. And so, he asks, "Are you going to attack your own narrative, which you have derived entirely from the commentary on the life of the Servant of God, which she herself wrote, at the order of her Confessor?" Certainly not, for that historical document does not deny the faith, as even Pope Benedict XIV teaches, "that it is not fitting to deny to those things which the Servants of God themselves have recounted" (De Serv. Dei Beatif. et Beçit. Canonia, Book III, Chapter X, page 120). This, indeed, must be affirmed even more, since so many other witnesses appear in the Process, who assert that they have obtained their knowledge from the commentaries on the life of the Servant of God. Nor does the excellent Defender of the Faith refute this, when the Postulator argues that he did not intend to burden the proceedings with the commentary. Indeed, it is true that, in order not to increase the burden on the actors, the commentary was not mentioned. But nevertheless, that commentary should be considered a collection of the most learned Fathers, since it was presented to the Sacred Rites for examination along with the other writings of the Servant of God, and was approved by the judges themselves. If the most learned Defender of the Faith believes that this document should be taken into account, then the matter is as it should be, so that, as the Apostolic Process is true, it can also be completed. But now, let us return to the witnesses, and, for the sake of concession, we have allowed the most

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esteemed Censor to object for a while.

[*Latin ed. p. 598*]

398 From the Sacred Congregation of Rites, no one has presented a complete account of the testimonies concerning the Servant of God. And indeed, not only from this source, but from other sources as well, and especially from the oral tradition, the very witnesses themselves, whom we have questioned, confess that they have learned these things. The words of the witnesses must be carefully examined. Witness XXIII, although having undergone a new examination, having spoken with equal members of the community of the Servant of God, and now claiming to have lost the memory of past events, nevertheless adds that she did not choose these things herself, but heard them from others. In the previous examination, she had stated: "I have lived in this monastery for fifty-three years. When I entered here, I found Sister Maria Geltrude, Cecily, still living, as well as Sister Maria Antonia Cappuccio, contemporaries of the Foundress, Sister Celeste Crostarosa, and many other ancient nuns, among whom were my two aunts, religious sisters, called Sister Lui and Sister Colombina Guadagno, who always spoke of the Foundress and recounted her virtues, her sanctity, her miracles, and her holy death." Witness XXIV, who had stated that she could not answer the questions posed to her individually, because they were not found in the account of her life, then adds that she also received knowledge of the Servant of God from older nuns, and especially "from the old ones, especially from one such as Serafina Lacci of S. Severo, the Vicaria Prior of this monastery." This witness had previously answered the following questions: "The ancient nuns of this community, in the first years, that is, about forty-six years ago, spoke to me about the Servant of God, the Foundress of this monastery, Sister Maria Celeste Crostarosa, recounting some particular facts of her life, as well as events that occurred after her death." And again: "All the people I have seen recommend themselves in this church to the Holy Foundress, and I have seen people of every condition and sex doing so, and this has inspired in me the conviction that the Servant of God is considered a Saint in the public opinion, and that, due to her great sanctity, of which there is still memory, brought about by her, and as a cause of miracles, etc." Witness XXV, however, strenuously objects, quoting her own words: "Moreover, what I could say is known to me through the reading of the life of the Servant of God." This statement, however, does not please the esteemed Censor.

[*Latin ed. p. 599*]

From the Sacred Ritual, 599, it is evident. And indeed, if one examines the words, one will see that they imply that the witness believes that all of her knowledge comes from the praised commentary, not merely that the commentary asserts that her entire knowledge is derived from it, but

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that even within the commentary itself, one can find what she herself has brought forth. Therefore, she immediately adds, separating this from the testimony: "However, I say only this, that I have learned from life, and I recall that she performed a most precious deed, which was always held in esteem by all, in this city and in distant lands, that God accomplished through her stupendous miracles, etc." And elsewhere, she had stated: "In my youth, I lived with my family near this Church of the Most Holy Savior, and from that time I heard about the foundress, Sister Maria Celeste Crostarosa. Later, at the age of 13, I entered this monastery, where I heard about her from many, and I always venerated her tomb, and I heard accounts of graces received through her intercession." And a little later: "All the people with whom I have spoken consider her to be a saint, etc." These, indeed, are not statements that would clearly indicate that the witness, Servant of God, knew more than what had been revealed to her in the writings. Nor is it permissible to interpret the witness in any other way. Furthermore, having the commentary before her, she makes mention of it in another examination, but not, indeed, as the primary cause, because she learned everything and each individual detail about the Servant of God from that commentary. Continue, therefore, in reading the testimony. After the words of the Promoter of the Faith, these other words occur: "By constant tradition, it is generally known," or "it became generally known in this city, in the province, that the Foundress was a saint, and this fame still lives on, etc."; or "when I was curiously asking who that nun was, I generally received the answer that she was the Prior Saint of the Savior." Also, for the first time questioned by the Judges, she stated: "I have lived in this monastery for forty-three years, and throughout all this time, I have always heard about the Servant of God, Sister Celeste Crostarosa." And again: "The opinion of everyone is that the Servant of God is already a saint, and no one has ever said the contrary." From what has been said so far, it is clear that...

[*Latin ed. p. 600*]

600 EX: Concerning the causes for our moral tradition to be deficient, it is the case that even those testimonies which are presented against the most illustrious Defender of the Faith are, in truth, those which most strongly support this subsidiary foundation of proof. And that the same has been demonstrated by witnesses XXVII and XXVIII, it is not necessary for me to elaborate further. But concerning witness XXVII, the Censor uttered these words against us: "All the articles cited, from which, when reading them, you ask me, are not they merely a repetition of what I have always read in the life of the Foundress, who is the only source from which I have always learned these things?" However, these words are not to be understood in the strictest sense, as they sound, but rather, considering the speaker's intent, which was to affirm that the witness's narration of many things is

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indeed so clear and distinct, that it is as if one had read a commentary on the life of the Handmaid of God, and that she did not, moreover, assert that she did not know of the virtues or other deeds of the Founder from other sources. This is evident from the entire context of the testimony, a context which, unless we entirely deviate from the rule of sound criticism, must be kept before our eyes. Read: "I can say that the general opinion is that the Mother Foundress is already in the glory of Paradise, because her virtuous life was known to her contemporaries, and after her death, it spontaneously gave rise to the judgment that she had died a precious death. Not through human industry, but through the operation of miracles in this city, and generally in this province, she is held to be a Saint... these facts, I say, prove that it is generally believed that our Foundress is truly, as everyone calls her, a Saint." And a little later: "I know from general tradition the wonderful miracle of the blind woman, etc." Furthermore, the same witness states: "Concerning all the other facts mentioned in the following articles, which regard graces or miracles, I can say that I have heard their accounts at the proper times, etc." To these, let us add what was also given in another place in the process: "From many people, I have heard about our holy Foundress, even from the time when I became a religious, that is, from 1841, and even before." Then she said: "The general opinion, both in this city and outside, is that the Servant of God, the Foundress, was pleasing to God in her life, and is now rich in glory in Paradise. People of all conditions hold this opinion, and have held it." These are the words concerning witness XXVII. Now, concerning witness XXVIII, let us see in a few words...

[*Latin ed. p. 601*]

From the Sacred Ritual, 601, the human censor may find something to object to. Witness XXVIII, among other things, states: "Having been warned that she would be called to examination, I was not prepared, but I read carefully the life of the Servant of God, which is the only source from which we can learn something about her, since we live so far from her death." However, what she intended by these words must be carefully considered in the context of the entire testimony. Indeed, the witness, having been forewarned about the new examination, intended to answer all the questions posed to her, and therefore diligently recalled the account of her life to memory, so that she might find a well-prepared and clear material from which to draw her answers. She herself clearly indicates that this was her intention when she gave her testimony. For she added these words: "I remember the questions that were asked of me in the interrogations, but since I found the answers to them more clearly and directly in the life [of the Servant of God], I responded in this way [referring to the life], which is what presented itself to me." This German interpretation is increasingly confirmed by what the witness says later. For she says: "Far removed as

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we are from the times in which she lived, rather than determining the facts, we receive the testimony of her reputation, which is the daughter of the facts themselves, and which has been formed since she lived by those who were witnesses to her holy life, and has come down to us. Now, this reputation is that she truly practiced every virtue heroically, and the title of Saint, with which she is known and generally understood, could not have arisen except from the sight of wonderful deeds, of which she was a model." Again, she says: "In short, it is the general reputation that she is a Saint; this reputation, so general, has not come from the knowledge of the facts seen by her contemporaries, who, in a word, judged her virtues to be of heroic degree and called her the Holy Mother." And elsewhere: "Her death was most precious, and it is known through tradition, etc." Also: "After her death... the venerable Maiella saw in spirit the soul of the Servant of God fly to heaven, and he revealed this to his lay assistant." To these are added the words that follow shortly: "This reputation for holiness, not sought but spontaneous, was in every class of people, so that from that time on she was called the Holy Mother." And indeed, the witness adds even more.

[*Latin ed. p. 602*]

602 From the sacred rites, or from tradition, it is called, so that it may be manifestly clear that, even though the numbers and testimonies are of a different origin than the account of the life of the Servant of God, they nevertheless confirm what is there stated. Setting aside all other matters, it is sufficient to mention this: "Not only do I know that the opinion that the Servant of God is a saint is held by many, but highly wise and impartial persons, with whom I have often had the opportunity to speak, have also confessed: it is not new to see priests, both from here and from elsewhere, express the same opinion regarding the holiness of the Foundress. This opinion has never been contradicted..." And those witnesses, whom the zealous defender of the faith, opposing the cause, feared to be too easily persuaded, we have examined carefully. We have considered their testimonies, we have heard their words, and we have compared their statements with previous ones. It is now for you, Most Eminent Fathers, to judge whether weight should be given to the indirect or subsidiary proofs. But it is clear that, in these witnesses, we are dealing, for the most part, with tradition, with public reputation, with that true tradition which is expressed through reputation, except for the testimonies of the ancients: it is the consensus of the living, in whom one and all, with a keen mind, and who have received knowledge from their elders and from ancient sources, agree, as if conferring a benefit. And these sources, as we have said, are the primary origin of all the testimonies that are presented in the judgment. And when the account of the life is sometimes recalled, it is done so that what is known from other sources may be confirmed in some way, and that new light may be shed upon it. We believe it is important to express

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our deepest gratitude to our censor for his wisdom, and we do not doubt that he has bestowed praise upon us for certain testimonies in which the Servant of God is mentioned, and which, as well as those concerning the former Servants of God Alphonsus Liguori and Gerard Maiella, appear to be transcribed in our summary. We certainly attribute this praise to his human nature, but we are far from agreeing with his judgment that we have acted out of a desire to help the witnesses due to their scarcity or weakness, or their infirmity. We have demonstrated that we have many and valid witnesses to support us: and if we have added any more, we have examined them carefully, so that they may be suitable for the process.

[*Latin ed. p. 603*]

Let us add new strength and splendor to what has been added from *Sacramentorum*. And the reason for this was that, when we were transcribing the letters, our esteemed R. P. Falcoia and Saint Alphonsus, Servant of God, often provided them. But when the most illustrious Promoter of the Faith, in his observations, desired that the aforementioned letter be read in its entirety to Mary, the Heavenly One, in which Saint Alphonsus vehemently rebuked her, we have taken care to include this letter, along with the most humble response of the Servant of God, and some other writings, as a supplement, in the attached summary. This is done to preserve the evidence; now, however, we must consider the matter of her reputation for sanctity.

CHAPTER TWO. Concerning the Reputation for Sanctity.

Those very grave words are recalled, which Benedict XIV, while acting on behalf of the Commission for the Cause, addressed to the Postulants: "Therefore, the Postulants must clearly and conclusively prove in their writings and summary the reputation for virtues and miracles."

Indeed, recalling these words, our most illustrious Promoter of the Faith, already preparing to challenge the reputation for sanctity of the Servant of God with arguments and requests, asserts that he believes that the reputation of Mary, the Heavenly One, has not been fully nor conclusively demonstrated. Not fully, he says, because the process was inquired into only in Foggia, and not in the other dioceses in which she lived. Not conclusively, because, even if Mary, the Heavenly One, has attained the estimation of sanctity, this should be attributed not to the exercise of heroic virtues, but rather to the reputation for miracles.

Let us bring both of these points back to the truth of legitimate argumentation. And first, concerning the full proof of her reputation, it is permissible to ask the illustrious Defender, why so few processes have been instituted, considering the number of dioceses in which Mary, the Heavenly One, lived. Certainly, he cannot vindicate this either by the laws of justice, nor by [customs and practices]. For our law and practice teach that an inquiry should be made into the life and sanctity of a Servant of God,

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wherever he or she may have died. If a process is to be held, it should be held where the best evidence can be gathered, which is certainly a more appropriate place than the place where the Servant of God died.

[*Latin ed. p. 604*]

604. Quibus auxiliis ex parte S. Gregorii Rituum adiumentorum possunt inveni? Immo, loco processu conficiendi omnino necesse est, "quia, (ut laudatus auctor ibidem adfert,) de pretioso Servi Dei obitu constare debet: quia probanda est fama sanctitatis post obitum, nec potiora habere possunt testimonia, quam ubi Dei Servus mortuus est: quia cum fierit processus apostolicus super virtutes et miracula in specie, exhumandum erit et recognoscendum cadaver Servi Dei": quae quidem res non nisi eo loco peragere possunt, ubi Dei Servus mortem oppetiit. Ego scio contingere aliquando, ut Dei Servus paulatimo tempore illo in loco, ubi moritur, vitam traduerit. Quae causa, cum testimonia plena de eius vita ibi haberi possint, atque alibi, ubi diutius commoratus est, sint comparanda, erit sane cur vel novi ibi conficiantur processi vel inde testes ad dicendum testimonium arcessantur, quibus vita et virtutes Servi Dei magis notae sunt. At non id pro fide de Famula Dei accidisse compertum est. Nam cum ipsa anno 1738 Fodiam se contulerit, atque ibi anno 1755 e vivis fuerit erepta, non parum quidem temporis, sed longissima sane humanae vitae parte in loco transegit dicenda est. Processum igitur non alibi, sed Fodia in dioecesi instrui oportebat. Nullus enim alius locus pro re nata accommodatior sive testibus interrogandis, sive testimoniis recipiendis inveniri poterat, utpote quod non tantummodo de rebus Mariae Coelesti Fodiae gestis, sed de ipsius etiam amante acta vita notitia amplissima habebatur. Quae cum ita sint, claudicare quam maxime ex hac parte argumentationem clarissimi Censoris nostri neminem vuestros arbitror, sapientissimi Iudices, qui plene non videant. Ipse enim huic medio termino, utcum Logicis loquamur, se posset inniti putabat: nimirum, quod plena non esset fama probationem, quia Fodiae dumtaxat de Famula Dei processus habitus est. At cum nos demonstráverimus Fodiae quidem et non alibi inquisitionem fuisse faciendam, illo inquame medio termino disiecto, velut fundamentum sublato, tota eius ratiocinatio vacillet et corruat, necesse est. At potiori ne iure aliud obiectionis caput tueri se posse existimet Adversarius? Opponit quidem, uti diximus, totam aestimationem Caelestis Mariae Crostarosae, si qua est, non hec.

[*Latin ed. p. 605*]

From the Sacred Ritual, section 605, the exercise of heroic virtues is to be attributed, but in some cases, to the report of miracles. In this matter, I earnestly beseech you to consider us favorably. For when, in this sacred forum, the Commission introduces the cause of a Servant of God, and it is evident that something certain has been granted to us, as the most ardent

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Defender of the Faith himself confesses, having obtained a miracle through the intercession of the Most Holy Virgin, the Rose of Heaven. Indeed, miracles are the signs of the Divinity, as the theologians say, and therefore the Almighty works them not for deception and human fraud, but to honor the truth and the sanctity of life of our friends. And since these miracles, concerning the Most Holy Virgin, the Rose of Heaven, were wrought by God, you have in this very fact an argument that should not be disregarded concerning the divine testimony itself. But, the Adversary says, it is not only from miracles, but rather from heroic virtues that the reputation for sanctity arises, and it is necessary. Let us not be infected with doubt, but let us justly contend that the demonstration of the heroic virtues of the Servant of God cannot be considered undesirable by our most esteemed Judge in this cause. For we have presented, both in the Summary and in the writings, proofs that, in this more lenient discussion for the introduction of the cause, we may achieve what would be required in a much more severe judgment of Beatification, namely, that from the demonstration of virtues, there should be certainty that the judgment concerning the opposite is not impossible, but imprudent (Decree of the General Congregation, April 23, 1741. See Benedict XIV, op. cit., Book III, chapter III, number 25). Let no one think that I assert this gratuitously or out of vanity, but I implore you, most wise Judges, not that you hear again the witnesses brought before the judgment (which would be tedious and unpleasant), but that you allow me to briefly bring to your minds the demonstration of our cause, always connected with their testimony. And indeed, it is true that the witnesses affirm that the Most Holy Virgin has already shown clear signs of extraordinary virtues, whether it be that she, as a young girl, eagerly listened to the stories of the Saints, surpassing others in charity; or whether it be that she imitated their voluntary afflictions; or whether it be that she sought secluded places in the house, so that she might devote herself to prayer and the practice of virtues. Furthermore, the witnesses marvel at her truly singular virtue, as they present to us a young girl who...

[*Latin ed. p. 606*]

606 ACCORDING TO the sacred rites, with great force of tears, she declared herself to be defiled and unworthy of anything pertaining to God, publicly confessing her sins: either because of minor faults, she would repeat the most severe fasts and penances, or because she showed the greatest pity, she would purify her conscience through confession, and especially when she partook of the heavenly repast. Indeed, it is testified that the most holy Servant of God, in the Neapolitan city where she was born, and in all the monasteries and cities she inhabited, constantly followed this opinion; and this is testified by witnesses, both from nearby and from distant regions, who spread and disseminated it widely, so that it was held sacred not only by the common people, but also by those who excelled

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in sanctity, knowledge, and authority. In his work, entitled "Codex for Postulators of Causes of Beatification and Canonization," the most learned Lauri has written: "When it concerns the Servant of God, it is not only useful, but necessary, to have the testimony of those who can attest to his life and observance of the rule." But what her relatives and sisters, who felt her heavenly sanctity everywhere, thought about her, is most evident in our cause. In the monastery of Marigliano, the Servants of God, as mistresses, who held the improvement of their nuns very dear, asked the heavenly Mary, who was still a young girl and only recently beginning her novitiate, to be the custodian of the door and the reliquary, a task that no one younger than herself had ever held in that monastery, but rather older and more prudent nuns. After her profession, as if she had been a disciple of the most holy Virgin, she was deemed most worthy to be placed in charge of instructing and guiding those nuns who were living their novitiate. She wrote new rules, and although some nuns criticized her for them, these rules were nevertheless considered admirable by all, and even her opponents, acknowledging the sanctity of her work, confessed that it was inspired by divine grace. Her virtues were suspected and celebrated in Amalfi and Nozeroy. In Nozeroy, indeed, when she, at the request of the Bishop, intervened to reform a college of orphans, her sweetness and sanctity of character so moved the hearts of all the nuns that the monastery, which had previously been a source of offense and scandal to the city of Nozeroy, became an example of all virtues. What, then, can be said about the testimony of her companions?

[*Latin ed. p. 607*]

From the Sacred Rituals, 607, concerning the examination of the virtues of a Servant of God in a monastery, specifically in the monastery of Fodiano: This testimony was presented to those of equal rank with the Blessed Virgin Mary, who, having lived with her for many years, transmitted what they had seen with their own eyes or heard with their own ears to the younger nuns; and these, in turn, are often those who are most highly esteemed for their many and outstanding virtues in the process. Testimonies of this kind are always of this nature: "She was truly outstanding in virtues and good works, a mirror of an exemplary life"; or, "She was rich in all virtues. She possessed these virtues to a heroic degree until her death, because even until this time she performed wonderful works"; or, "She practiced all the virtues individually in a heroic manner"; or, "From what I have upon said, it is clear that the Servant of God practiced virtues with heroism"; or, "She was an example of heroic virtue in every respect," and many others of this kind, which, as much as the sanctity of the Servant of God was esteemed by those with whom she spoke daily, they demonstrate most eloquently. Furthermore, we should not be surprised if such a high opinion of her sanctity, contained within the cloister walls, could not remain confined, but

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spread to neighboring towns and cities, and even to more distant places, so that even Bishops, and other men conspicuous for their learning, authority, and knowledge, either spoke of her themselves, or sent letters concerning her. Among those who should be remembered first are Saint Alphonsus de Liguori and Blessed Gerard Majella, who had such knowledge of the virtues and sanctity of the Servant of God that they sought to learn from her example of a life of holiness and perfection, and, when it was not possible for them to meet with her in person, they corresponded with her by letter. It is clear that the true sanctity of this woman did not diminish after her death, but rather increased, and could not be measured. For, having been strengthened by the most holy Sacraments, having overcome with an unwavering spirit the new and repeated attacks of the devil, having completely surrendered herself to the nourishment of the divine will, and even at the point of death, having nothing more precious than to conform herself to the image of the Son of God, she requested that Father Nicholas Lombard, the director of her conscience, read to her the Passion of Jesus Christ, as it is narrated in the Gospel according to John. And as he was doing so, and had reached the words "It is finished," she breathed her last with the most peaceful of exits. These details, as they are recounted, proclaim the most precious memory of the Servant of God. And she was not afflicted by any illness, nor by any pain.

[*Latin ed. p. 608*]

608 From the sacred rites, which foretold the impending death, but which, consumed by divine charity, were transformed towards God, the firmest opinion arose in all minds. To these testimonies, it is necessary to add the most illustrious one of Blessed Gerard of Maiella, who, while in Naples and suffering from a grave illness during the time of the death of Mary, the Heavenly, seeing her ascending to heaven, immediately announced to those standing near him these words: "Behold, Mary, the Heavenly, flies now to heaven." Nor should it be overlooked that even the Devil, as it were, bore witness to the most holy death of the Handmaid of God. Indeed, it is certain that, as the soul of Mary, the Heavenly, departed, the building of the monastery was shaken by a great earthquake, and a tremendous noise of chains was heard, as if they were being broken. With these signs, the most bitter enemy of the human race, with God's permission, confessed that he had been overcome in his last struggle. This reputation for sanctity did not only survive the death of the Handmaid of God, but was wonderfully increased, and with the passing years, it flourished more and more, as witnesses constantly affirm. Scarcely is the news received that Mary, the Heavenly, has died, when a dense crowd rushes forward, eager to pay their respects. People of all conditions, men and women, are present: they complain that not all can approach the body, and they kiss the feet and hands of the deceased: they seek fragments of

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her clothing, and receive them with great reverence: they proclaim that she has lived a holy life: and not only do they pray to God, but they rather affirm that prayers should be offered, so that God may be merciful to their people. Among the first, after the death of the Handmaid of God, a divine miracle occurred. There was a certain woman, blind in both eyes, who, weeping and praying with fervent faith to God, that, if it were His will, she might receive her sight through the intercession of the Handmaid of God, immediately regained the ability to see, to the astonishment of all. This reputation for sanctity, which initially spread within the monastery of the Most Holy Savior, and, so to speak, opened the doors to the faithful, was so widely disseminated that the story was told in many places, and noble and distinguished men, and experts in all fields of knowledge, of every sex and age, flocked to her tomb, venerating the Handmaid of God.

[*Latin ed. p. 609*]

From the Sacred Congregation of Rites, 609, one may seek help for oneself and for others. Hence, it is permissible to earnestly request particles of her habit or images of her; to privately light candles before her; and frequently to speak of her virtues and of her most holy deeds; to celebrate the centennial anniversary of her death with more solemn supplications; and all are to believe that she has certainly attained heavenly blessedness. With fervent prayers, one may earnestly desire and implore that she herself be granted the honors of the heavens by the Church. Let all be moved with joy and let them rejoice, when consideration is given to introducing the cause of the Handmaid of God. Suppliant letters have been sent to Rome. Such actions wonderfully demonstrate how deeply the opinion of the sanctity of the Handmaid of God has taken root in the minds of the citizens and inhabitants. This opinion, having been held by so many men and women, so diverse in character, sex, age, and authority, and moreover, having never been interrupted, but constantly and firmly persevering even to this day; who, then, would doubt that this reputation has attained all that human testimony can confer, which is worthy of faith? Therefore, you have a reputation for sanctity that is full, firm, and constant, and which has endured for a very long time and is universal. Now, I believe it is fitting for me to ask you, Judges, this question: Is it possible that the reputation for sanctity of the Heavenly Maria Crostarosa could have arisen, spread, and been propagated, without a true foundation of heroic virtues and genuine holiness? Could it be that such a great gathering has been assembled; that she has been praised by all with so many praises; that her most holy example of morals has been presented as worthy of imitation; that, indeed, she has excelled in merit before God, so that they have affirmed that they place great trust in her intercession; and that nothing more was desired than that she be granted the honors of the blessed; could all of these things be attributed to mere rumors of certain prodigies? I, for my part, believe that

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you, most eminent Judges, will not agree with this opinion; and I believe that our judgment is most fitting and can persuade anyone. When a dispute arises regarding the effects of a cause, it is necessary to have a sufficient cause; and no one should ignore this. Now, the very great reputation for sanctity of the Heavenly Maria Crostarosa, which has been demonstrated by so many wonderful events, does not provide a sufficient cause to explain these effects; which, of course, is absurd and contrary to sound philosophy.

[*Latin ed. p. 610*]

610 EX. S. C. RITUUM, exceedingly averse to the slightest deviation from established custom. Indeed, miracles occurred, which, in due time, with God's help, we shall vindicate. It is fitting, as Benedict XIV said, that these miracles, if considered as signs, should be understood in such a way that "God, as it were, invites his friend to ascend higher," *Op. cit.*, Book III, chapter III, n. 25. And it is true that these prodigies had the effect of uniting human testimony with divine testimony, so that the divine signs did not diminish the sanctity of the Servant of God, but rather strengthened it; they did not obscure, but rather illuminated it with a certain new splendor. Although I can conjecture and argue this, how can I explain that so many witnesses have so clearly and convincingly expressed and demonstrated it? Witness I, after speaking of the virtues of the Servant of God, said: "I must only add that my testimony has been too weak in comparison with the heroism of her virtues, and that human testimony is of little weight when God himself has shown, in her life and in her death, how dear she was to him." — Witness IV reported: "The public opinion, so widespread and universal, regarding the Servant of God is that she was truly devoted to the Lord." — Witness V said: "It is my firm opinion that the Servant of God, through her virtues and the promptness with which she helps us miserable ones, was truly a saint." — Witness XVII stated: "As from the beginning, so always I have felt that the Servant of God was truly a saint, that in life she possessed virtues and particular charisms, and in death, the certain glory of Paradise." — Witness XXVIII said: "The fame that she truly practiced every virtue heroically, and the title of saint, with which she is generally called, could not have arisen from anything other than the sight of the marvelous facts of which she was an example..." — Witness XXXVIII added: "...The religious women who were contemporaries of the Servant of God considered her, for certain, to be a saint: because the heroic degree of virtue that she practiced, especially the mortification of the senses, the cilices which she used and which I myself saw in the monastery, her love for prayer and her extraordinary charity towards her neighbor, and her love for Jesus in the Sacrament and for the Blessed Virgin Mary, could not but lead her to glory... Therefore, with regard to the public, from what I have seen and from the devotion with which I have seen her remains venerated,

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it is clear that she is considered a saint."

[*Latin ed. p. 611*]

From the Sacred Ritual, 611, concerning the public opinion. Other witnesses concur, either when they assert that they have never heard anyone utter a word against the sanctity of the Handmaid of God; or when they speak of her own life as being exceedingly holy and virtuous; or when they refer to her being endowed with particular virtues; or when they call her, with this special word, "Holy," or "Blessed Matron." To these are added, as I shall demonstrate, many other witnesses who, in the Processes of St. Alphonsus Liguori and Blessed Gerard Majella, have so extolled the sanctity of the Blessed Virgin Mary that it becomes once again most evident to all that the fame of the sanctity of the Handmaid of God, in those various times in which these Processes were completed, was widespread. Now, most esteemed and venerable Fathers. Unanimously, as you see, in these demonstrations, the witnesses are in agreement; and, as I have already said, their very words: the same affirmation of the heroic virtues and the sanctity of the Handmaid of God, repeated a hundred times, occurs. What, therefore, prevents us from recognizing this fame of sanctity as being complete in all respects, so that we may also, as it were, refer to Benedict XIV, who said that it is "of the purity and integrity of life and of the virtues, not as if by chance, but by continuous acts, given the opportunity, exercised in a manner surpassing that of other upright men and women, of any Servant or Handmaid of God already deceased, and also through the miracles obtained through their intercession with God," so that, as a result, a new devotion has arisen in many places, and they are invoked by many in their needs, and are considered worthy by the judgment of many serious men to be referred to the Apostolic See for inclusion in the list of the Blessed or Saints"? (Op. cit., book H, chapter XXXIX, number 7). It also reports the words of the most illustrious Promoter of the Faith, Benedict, who, as I said, I would have done well to have not omitted this important part of the matter. I trust that, having presented this in its entirety, there is no doubt that, compelled by the authority of such a Master, not to mention the testimonies of virtues and sanctity, this sacred fame of the sanctity of the Servants of God is demonstrated, even through the miracles obtained through their intercession with God, and through the devotion and invocation of them made by many, and through the judgment of many serious men who consider them worthy to be referred to the Apostolic See for inclusion in the list of the Blessed.

[*Latin ed. p. 612*]

612. From the Sacred Rituals, these matters are derived. And should I not, therefore, make use of the arguments of the Censor? For, in order to confirm his objection, he seeks to draw in that which pertains to his

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own case, as Ceparius writes in *Direct. Canoniz.*, book 2, and as Benedict XIV also mentions in a laudable passage. Indeed, the opinion of those most learned writers is to be commended above all, and it is true. "Those," says Ceparius, "are said to be of renowned sanctity and celebrated among many, concerning whom the common opinion is that, while they lived, they were constantly known to have possessed holy habits, and that they persevered in sanctity until death?" But we have already demonstrated that our witnesses have recounted all of this concerning Maria Caelesti Crostarosa. Ceparius adds that the servants of God are those who have acquired a true reputation for sanctity, namely, those who were just before God, walking in all the commandments and justifications of the Lord without reproach, who were found without blemish, and who, after repentance, did not relapse, who served the purity of the Faith, flourished in excellent sanctity of life, and shone forth with miracles, etc.? We have clearly seen that all of this has been demonstrated concerning Maria Caelesti. Finally, Ceparius affirms that those are to be called saints who were such that their life and deeds may be presented to others as an example to be imitated? This, too, is a perpetual testimony to the honor of the Servant of God, most worthy, in our cause. Let these things be so, and now, most esteemed Fathers, let each of you carefully examine our demonstration and judge whether what has been done is sufficient in accordance with the decree of the Most Holy Pope, and whether the sanctity of the Servant of God has been fully and conclusively proven. I do not believe that you, with your most discerning judgment, will fail to perceive the emptiness of the objection of our Censor. But, if anything should remain unclear, let him understand that he has sought to draw his arguments from the very foundation upon which he had previously built, in the preceding chapter of his *Animadversiones*, in which he had affirmed that the witnesses in the cause had spoken much about miracles, but little, or perhaps not sufficiently, about the virtues of the Handmaid of God. But since we have already demonstrated this argument to be gratuitous, and since we have thoroughly refuted those who presented it, and since it has been clearly shown that the witnesses, not only spoke of miracles, but also of the virtues and sanctity of the Servant of God, and that they have given many and illustrious testimonies, let us not repeat what has already been said. It is evident that the Adversary, in our judgment, has been very helpful to his own objection, and that the proof of his assertion is entirely lacking.

[*Latin ed. p. 613*]

From the Sacred Ritual, 615, someone who has read these words believes "that, if I am not mistaken, concerning the matter of witnesses, as I have stated above in the chapter on Proofs, it is entirely consistent. For from what the most illustrious Defender of the Faith has stated concerning witnesses, namely, that we should only consider logical deductions, which is what is

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most objectionable, and which greatly benefits our cause. Furthermore, it is easy to understand what is to be said about that objection, which, as if in passing, the Censor brings forward, calling the majority of the witnesses in this case to court, so that they might only speak about the fame of miracles. Not the majority of the witnesses, but rather more than six of the ten recent witnesses were called to testify about the miracles. And this, indeed, was most fitting. For when a large number of people have appeared who have testified to the fame of sanctity, so that even for those of little faith, there would be no doubt, it seemed proper to question other witnesses, who, above all, had heard talk about the fame of the miracles. This, which is certainly commendable, the Censor considered to be a most welcome thing, as it reminds us of the fact that Benedict XIV severely warned the Postulators, that they should, in their writings and summaries, fully and clearly prove the fame of virtues and miracles. But, as the saying goes, "each one follows his own will": therefore, it seems that this difficulty greatly amuses our Censor, and he continues to exaggerate it again and again. For after he has complained that the acts concerning these marvelous and heavenly gifts abound, which he considers most suitable for creating the opinion of sanctity, especially among women, whether they are referred to by witnesses or are read in the life of the saint written by the Servant of God, he invites us, as it were, to deliberate on something. Hence, in his observations, he fills more than three solid pages, in which he recounts various visions, ecstasies, revelations, and manifold attacks and incursions by demons. But to what purpose does this zealous Adversary argue? For, to be candid, it does not seem that these things are sufficient to support the objection of one who is already faltering and collapsing. And indeed, no one can fail to see that this kind of argument suffers from the vice of false assumptions. And it is by no means...

[*Latin ed. p. 614*]

614. SOME, indeed, deriving their initial opinion of the sanctity of the Servant of God from those wonderful things which they enumerate, have asserted that this opinion is based solely on testimony; but, on the contrary, since this opinion has been formed not only from her own life, marked by piety and virtues, but also from the same precious testimony concerning the fame of her sanctity, and furthermore, from those heavenly deeds which are narrated in judgment, I consider this opinion not to be merely compatible with itself, but to be confirmed. And I do not believe that this has escaped the notice of the Accuser. For I, the witness, to whose authority I have most confidently appealed in this place, am the same witness who, among other most illustrious testimonies concerning the fame of her sanctity, also declared: "I must only add that my testimony has been too weak in the face of the heroism of her virtues, etc." Nor is it otherwise with the witnesses XXXIII and LXIII, who are likewise cited by the Accuser for

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their own cause, and who, when speaking of the opinion concerning her sanctity, recall these things. Witness XXXIII speaks thus: "I have always spoken of the sanctity and of the miracles of the Servant of God." And elsewhere: "The news of the heroism of her virtues, which spread everywhere, brought about a universal and lasting fame for the Servant of God until her death; indeed, when she was in the monastery where she died, everyone considered her to be a saint; when the news spread to every place, people asked for her as a reformer of monasteries in various important cities; she was recommended by respected people for her sanctity and for her instruction; and while she was living in Foggia, she was believed to be in close relationship with St. Alphonsus de Liguori and with the Venerable (now Blessed) brother Gerard Maiella." Witness LXIII says: "I have never ceased to speak, both of her miracles and of her virtues; indeed, in my house I keep a picture of the Servant of God, as a reminder of the veneration of my ancestors." And again: "As far as I have been able to learn, the Servant of God always enjoyed great fame for her sanctity, and this was not only among the common people, but also among distinguished people in sanctity and doctrine." And a third time: "The reason why the people spontaneously, and sometimes even under duress, come to her is because they are convinced that the Servant of God is glorious in Heaven, and they intend to call her by the name of 'Saint Mother Superior,' who is a powerful intercessor with God, as they know from the many miraculous works that God has wrought through her, and because they want to see her quickly elevated to the honors of the altar." And do not turn away your face, if I have used the freedom that is granted to me in...

[*Latin ed. p. 615*]

In accordance with the established practice of the Sacred Rites (S. G. Rituum 615), and before the most esteemed judges, it is often granted to us to demonstrate that another false presumption exists in this matter, namely, that the recounting of marvelous and heavenly gifts, especially among women, is most apt to conciliate the opinion of sanctity. Therefore, it is unjustly decreed by law that women should also be compelled to give testimony in judgment, if it is so easy to perceive a mark of levity in them. What is it, then, that is said by so many women, which is not only not true, but is said repeatedly? And what is it that is attributed to the most pious women, namely, that they, who are most devoted to the pursuit of perfect sanctity, abhor the very thing that, if they had conscientiously judged, they would have considered to be something either untrue, or less accurate according to the norms of justice? Are all these, deceived by the levity of mind, mistaken in their assertions? But let this be noted: not all the witnesses in this case were women. And indeed, the witness numbered LXIII, whom the most diligent Censor presents, is not to be blamed; nor are the witnesses II, III, IV, VII, XXXIV, XXXVII, XLIX, LVII, LVIII, LIX,

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LX, LXII, LXIII, LXIV, LXXIII, LXXIV, LXXXI, LXXXII, XCIV, CIV, CVI, CVII, CVI1I, CXVI, who nevertheless all testified to the Heavenly Mary by an oath of sanctity. Shall we also accuse these of levity? Shall we also affirm that they were struck and moved by the report of marvelous things, so that, in their midst, the total opinion of sanctity would be established, as they themselves have testified concerning the Handmaid of God? On the contrary, what prevents us from saying that among these, there are many men of integrity, of excellent doctrine, and of distinguished dignity, who have celebrated the virtue and sanctity of the Handmaid of God with the most brilliant praises? What prevents us from saying that even Saint Alphonsus and Blessed Gerard Majella spoke of her with the greatest esteem, when they themselves held the sanctity of the Heavenly Mary in the highest regard? It should not, therefore, be asserted that piety and a sound mind are absent. But would this not be the case if, by briefly adhering to the argument of the most humane Censor, one were to infer the necessary conclusion from this proposition, namely, that the fame of sanctity is partly due to the Handmaid of God, because of the very recounting among some of the witnesses of certain marvelous and heavenly gifts? This cannot be denied to us. The Censor...

[*Latin ed. p. 616*]

616 From the Sacred Congregation of Rites, it is most remarkable that they did not truly intend to signify miracles by the name "miracles" in this final place, but rather only things that are wondrous, which, although they are not miracles, nevertheless imitate the appearance of a miracle in some way, and through popular error are considered to be such. I say, therefore, that we have never denied that the fame and report of such wonders have arisen for the sake of the holiness of the Servant of God. For if the discussion were about true miracles, certainly more than a few have occurred after the death of the Handmaid of God, and we have considered it our duty to have these transferred from the Process to the Summary and to the Writings as fully as possible. And indeed, I believe it is more fitting to praise these. Let us consider that divine voice which God willed to make His people aware of, namely that the Handmaid of God was most dear to Him, and that even after her death, He wished to honor and adorn her, both in this world and in the next, so that these new honors and adornments may, in some way, refer to that glory which she attained in Heaven and in eternal divine beatitude. As for the heavenly gifts, the most excellent Defender of the Faith, it is known, has recounted somewhat more extensively in the Process why this is so. But indeed, it is fitting. For we all believe that we should hold to the teaching of St. Thomas: "This gift is called a 'gratuitous gift,' which is given to a man above the power of nature, and above the merit of the person. But it is not given so that the man himself is justified thereby, but rather so that he may cooperate in the justification of another;

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therefore, it is not called a 'gratuitous gift' that makes him grateful." (1, 2, q. III, a. 1). But we all know that the concept of "gratuitous gifts" is to be considered in the cause of Beatification and Canonization, if it is shown that, along with heroic virtues and holiness of life, suitable proofs have been brought forth, and that it is certain, as in our case, that this has indeed occurred. This doctrine is so well known that it was of great use in ancient times in this sacred forum, so that even to the objection which the Censor now presents, a response was given. Indeed, our Holy Father Benedict XIV has this to say: "Although the Promoters of the Faith have often, in their observations (which has also happened to us, when we were performing the aforementioned office), opposed this, it must be inquired into whether there are heroic virtues, and no weight should be placed on gratuitous gifts; but the Postulators, nevertheless, respond that these gratuitous gifts are not alone and separate, but are joined with..."

[*Latin ed. p. 617*]

"To illustrate the heroic virtues and to demonstrate sanctity, the Promoters of the Faith willingly undertook the examination of the graces granted, and the Sacred Congregation has rendered its judgment concerning them, not indeed by separating a doubtful case of virtues from a doubtful case, but under the same doubt; and in neither the doubtful case nor in the response made, was there any mention of the graces freely given, but rather, the causes of those graces were considered, as signs of the presumption of heroic virtues, virtues, I say, theological and cardinal, concerning which, in the cases of Confessors, as has been said elsewhere, a precise examination is undertaken" (Op. cit., book, chapter XLII, number 8). And that which was given by Benedict XIV concerning the heavenly gifts, the same judgment was made concerning it, with discussion of each gift, by the same Benedict XIV, and the Sacred Fathers embraced this opinion. Therefore, whether it be concerning visions, or prophecies, or extra-sensory perceptions, or concerning other matters of this kind, our doctrine must always hold that these charisms, considered separately, have no influence in the judgment of beatification and canonization, unless it has been proven that they were accompanied by heroic virtues and a holy life. And indeed, if the most learned Defender of the Faith would consider this, he would be astonished at what has been said, that more exalted testimonies concerning the Blessed Virgin Mary have been given. For indeed, they have testified in such a way that the graces of the Handmaid of God should be considered as signs manifesting the presumption of heroic virtues, concerning which so many illustrious testimonies have been presented. And it appears, as Thyreus writes, "that the integrity and probity of her life provided an opportunity for her to act familiarly with certain individuals, and to communicate with them, who were already entirely devoted to God and to divine service. Hence, she is also considered among the saints and friends of God, to

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whom God manifests Himself through His revelations and divine words, and which, although we know that they were once done, we would scarcely believe to have been done by other holy men" (apud Bened. XIV, op. cit., book III, chapter LII, number 2). From this, it is fitting, and with some reason, to consider what should be said concerning those things which were written concerning the life of the Handmaid of God, with regard to the inconveniences and offenses inflicted upon her by the demon himself. For, as the Sacred Scriptures testify, the very Son of God, made man, was tempted by the devil, so that He might also be the master and example in this struggle.

[*Latin ed. p. 618*]

618 From the Sacred Ritual, it is known that, with God's permission, the most faithful friends and disciples of this saint were, more often than not, subjected to injuries, vexations, and offenses, so that the virtue of these individuals might be more and more proven. And although she recounts that, through visions, apparitions, and other charisms, the Blessed Virgin Mary herself interrupted her conversations, there is nothing to either marvel at or to say that this is untrue. For we have learned from the authority of Pope Benedict XIV himself that certain events are sometimes rejected solely because they happened to certain holy men and women, and these events are recorded in writing. But, as Pope Benedict XIV clearly teaches, even heavenly gifts and other marvelous things ought to be accepted, as is evident from his words: "The continuous and prolonged exercise of heroic virtues, up to the point of death, can, with the authority of the Church, be reconciled with the apparitions and visions that the servants of God report having received, as well as with other things that they relate about themselves." But that the Blessed Virgin Mary appeared to the aforementioned individuals, and that the exercise of heroic virtues was prolonged for them until death, has already been sufficiently and, if I am not mistaken, demonstrated. However, the most illustrious Promoter of the Faith adds: "Therefore, since the aforementioned description (of the Servant of God) has been presented, the Sacred Order has wisely written: 'Nothing prevents further proceedings, but no documents are to be published without the consultation of the Congregation.'" Did you reserve this argument for last? But may I point out that no argument, however syllogistic, is valid if it lacks the connection with the evidence that the Diabolical one calls a consequence. And is it not true that the Sacred Order itself wrote, "Nothing prevents further proceedings"? Indeed, these words refute you, and they make the objection taken from the writings of the Servant of God completely untenable. That the Sacred Congregation has wisely, and indeed most wisely, prevented the publication of such writings, without consultation, is evident. For it is the established practice, and it is maintained by constant discipline in the Church, that those things which are situated on

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the path of Christian perfection, and which go beyond the common way of life, are not easily subjected to the hands of the Christian faithful, lest they offer an opportunity for a less correct interpretation, or even for error.

[*Latin ed. p. 619*]

From the Sacred Ritual, number 619, it has been decreed, and as other examples show, that when dealing with revelations of Saint Bridget, with visions of Saint Theresa, or with the book *Confessiones* of Blessed Alphonsus of Orosko, from the Order of the Eremites of Saint Augustine, it is fitting to print them; it is surprising, therefore, that the writings of Maria Caelestis Crostarosa, who has not yet been enrolled among the Blessed, should be treated differently. Therefore, we obey and follow the wisdom of the Church above all else, as is fitting: and no one, even the most ardent Defender of the Faith, can claim to be exempt from its precepts; therefore, it is permissible to argue that the fame of sanctity of Maria Caelestis has not been conclusively demonstrated. And here, as our most esteemed opponent invites, we will pause for a moment, and thus we will proceed to our observations concerning the obstacles.

CHAPTER III. Concerning Obstacles.

"Indeed, a weighty and extensive subject for objections is presented, among other things, by the stay of the Handmaid of God in the monastery of Scarlencas." Thus begins the most illustrious Defender of the Faith his observations concerning the obstacles. He then proceeds to recount that heavenly vision, in which the Handmaid of God was divinely assured of the laying of the foundations of the new Institute, and of the new rules which she herself was to write, and also the events which occurred when those rules were approved, and how, after they were approved, the divine will could be fulfilled, and all things brought to the desired outcome. In this narration, if we consult historical truth first, we observe, most esteemed judges, that our opponent is perhaps more closely associated with Father Berthe, of the Congregation of the Most Holy Redeemer, the most recent biographer of Saint Alphonsus, than with authority. We do not deny that this author deserves praise for his excellent work, *Saint Alphons de Liguori*, and that he has shown great diligence in writing it; nevertheless, among those who have printed something about Maria Caelestis, he is the most recent, and to him, moreover, it was not given to consult or read the Process which was completed in the cause of canonization. This, of course, seems to diminish something of his authority. For Pope Benedict XIV teaches: "Concerning the life, if it is written, it must be said that it is not sufficient..."

[*Latin ed. p. 620*]

620 FROM THE SACRED RITUAL, it is understood to be necessary to establish a legitimate basis for the reputation of the person in question,

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contrary to what some ancient authors have published in printed editions. Therefore, the Reverend Prosper Bottinius, Promoter of the Faith, in his annotations on the work of John de Riberas, Servant of God, concerning the reputation for sanctity, states: "Here, however, there is no juridical method of proving reputation, since the entire rational basis consists in the authority of the writer's life, which cannot be of much weight, when the history is not very ancient; and therefore, in the order of the Sacred Congregation, in my time, it was added as a last question in the matter of reputation, that the witness should read aloud in the history of the life of the Servant of God, from those about whom he asserts that they were and are of public voice and reputation." (Op. cit., Book II, Chapter 40, number 8). Indeed, if these things are to be affirmed, when dealing with the reputation for sanctity of some Servant of God, I believe it is right to say that the same things can apply when dealing with what might impugn that reputation. But, that historical accounts can be accepted as evidence, Pope Benedict XIV himself does not seem to be unaware. This, of course, is a concession that we must make, but only insofar as the entire teaching of the Church is kept in view, as contained in Chapters VIII, IX, and X of Book III. In these chapters, we are taught how much is required to form a judgment of credibility, if the historical accounts are not very ancient, or if they do not shed light on the matter, or if they are not based on the testimony of witnesses who have seen the events, or if they are not corroborated by those who witnessed them. We certainly know this: if you have several sworn witnesses in the process who testify to a certain act of a Servant of God, and you have one historical account outside of the process that seems to contradict them, it is certainly not right to disregard them and to consider this single account as the sole source of truth. Indeed, as I have said, nothing of this kind is contrary to our cause. Furthermore, we are almost certain that the learned author, Father Berthe, in his writings, even those concerning the Blessed Virgin, has made similar observations. If we except that which, out of due respect for St. Alphonsus, he has deemed it necessary to do, namely, to prove all that was done by Thomas Falcoia, we do not believe that anything in his narration can be brought forward that is contrary to our cause. For indeed, nothing needs to be said to us that is not already contained in number 22 of the annotations of the most learned Father Berthe. There, St. Alphonsus, the biographer, does not...

[*Latin ed. p. 621*]

From the Sacred Canons of the Ritual, 621, indeed, the praise of sanctity increases the glory of the Handmaid of God. For, if the most virtuous Falcoia confessed that, having first been a devoted servant of God, she afterward, by a change of mind, judged the true vision and decreed that all should be arranged so that the sacred Virgins might observe a new rule in the monastery of Scala. This, indeed, she could not accomplish at

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that time, because the Reverend Father Filangieri, Prefect of the Congregation of the Work of the Poor, forbade it. This, however, the Reverend Mother Berthe, abbess of the nuns of Scala, turned against, using these words, which our censor has diligently written out and which are therefore not to be separated from the preceding text: "It was a pretext. Opposed to the new rule, but not knowing how to justify her opposition, the superior relied on Father Filangieri, who had no title whatsoever to intervene in this matter. She deceived him and certain sisters, whom she had attached to her cause, and Filangieri declared himself against the new rule, against Sister Marie Celeste..." (Reverend Father Berthe of the Congregation of the Most Holy Redeemer – Saint Alphonsus de Liguori, Vol. I, page 78). Nor do they present anything inconvenient that is attributed to the Reverend Mother Berthe, which is found in the most excellent Defender of the Faith, and which is read in numbers 23 and 24 of the Annotations. For these demonstrate that Falcoia was so convinced that the vision of the Handmaid of God was heavenly, and that the rules, which she herself established, were divinely written, that no one could move a stone to prevent them from being transferred to the daily practice of religious life as quickly as possible. And indeed, it is not surprising that Falcoia, a most excellent man, was also determined to obey the divine will. For the matter was already so far advanced that the heavenly commands could not be rejected, nor could obstacles be placed in the way of the new rules. And truly, what more could be expected of men, if they did not understand that God had spoken to them, and that they were to obey His command? But now, let us recall a few things to your memory, most equitable Judges, and let you consider them in your minds. A virgin, most innocent in her morals and devoted to holiness, barely eight and twenty years of age, was enlightened by God, and was called to found a new monastery, and that the rules of this monastery were to be written by her. She, therefore...

[*Latin ed. p. 622*]

622 From the Sacred Ritual, with a most devout spirit, hesitant and fearing the deceit of the demon, she was torn between two courses, and, in the absence of the director, she humbly revealed her doubts to the mistress of the novices, who, giving thanks to God, strongly encouraged her to obey the divine voice. She obeyed; then, after having for forty days, at the command from above, so afflicted her body that she ate only bread and a few fruits, she, moved by divine inspiration, devoted one hour each day, after receiving the heavenly repast, to this work. Indeed, these arguments clearly demonstrate that the finger of God is in these rules. And first of all, it happened that at the very time that these rules were revealed to the Celestial Mary, six other sisters of the monastery, without one knowing what the other knew, were also made aware of them. And this is not all. One of these virgins was afflicted, having lost all power of reason, and

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was so consumed by madness and rage that she inflicted violent injuries upon herself, and even contemplated suicide. Then the Celestial Mary was present, and, having prayed to God, in order to confirm the heavenly origin of the rules, she restored the madwoman to sanity. Furthermore, the abbess of the monastery, who had previously offered everything to the Celestial Mary, as far as the rules were concerned, and who had been secretly pondering matters that were more serious and contrary to herself, spontaneously approached her, and, illuminated by divine light, revealed to her the deeper thoughts that she had hidden in her mind. She was astonished, and immediately felt that her natural powers were completely surpassed, and she began to form better intentions, and abandoned her most grievous faults. Furthermore, this divine inspiration added testimony, for when the book of the rules, written by the Handmaid of God, was presented to James Falco, and he himself was about to reject it, she obeyed the command, and, although at first she felt herself to be completely incapable of doing so, she wrote the rules again, and with greater devotion and piety. (follows)

[*Latin ed. p. 623*]

625 Letters from His Holiness Pope Leo XII to the Most Reverend Archbishop of Baltimore, Gibbons, and other Ordinaries of the United States, to signify the great joy He felt upon receiving their letters. Beloved Sons and Venerable Brothers, greetings and apostolic blessing. We, who are counted as the third in the illustrious line of the Roman Pontiffs, and to whom it has been granted to enter happily upon the twenty-fifth year of our supreme pontificate, rejoice with all propriety, and, out of reverence for the Apostolic See, offer congratulations to all. In this chorus of congratulations, the prelates and faithful of the United States, in particular, move us with special delight, both because of the flourishing condition of your region, which easily surpasses many others, and because of the singular affection which we feel for you.

We desire, Beloved Sons and Venerable Brothers, to recall individually the many things which you have accomplished for the benefit of your churches during the years of our pontificate. And, in turn, We are pleased to remember the many and varied things which have brought you consolation throughout this time.

For, when We began this supreme office of the Apostleship, the sight of your affairs affected Us not lightly; but now, having passed the fourth year beyond the twentieth in this office, We are compelled to acknowledge that that affection has never grown obsolete, but has increased day by day, because of the remarkable progress of the Catholic cause among you. And, although the merit of these advancements is primarily due to the grace of God, your prudence and industry are also to be commended. For We must admire your prudence, in that, having perceived the character of these times, you conduct affairs so wisely that you promote all kinds of Catholic

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institutions suitably to the needs and talents of your people.

And in this, it is worthy of the highest praise that you have always diligently fostered and maintained the union of your churches with this, the principal Church and the Vicariate of Christ. For, as you rightly state, this is the apex of government, of teaching, and of the priesthood; from which unity arises, which Christ bestowed upon His Church, and which is a mark by which it is distinguished from all human societies.

The influence of this government and teaching has been most salutary, as it has been to no people, and as it has been to you.

[*Latin ed. p. 624*]

624 We have never allowed our people to lack anything. Indeed, we have readily seized every opportunity to demonstrate to you, and to the sacred affairs among you, the constancy of our care. However, after a long experience, we are compelled to admit that we have found among you a docility of mind and spirit, and an eagerness, which was entirely unexpected. Therefore, while the conversion and inclination of almost all other nations, which, over a long period of time, have embraced the Catholic faith, cause us sorrow; the condition of your churches, flourishing with a certain youthfulness, most pleasantly delights our hearts. Certainly, no one among you enjoys a civil favor by law; nevertheless, the republic's governors have certainly shown their approval, which in no way prevents you from enjoying just freedom. Secondly, it is necessary to diligently strive for the Catholic cause among you, so that, while opposing the growing errors and the sects of arising absurd opinions, you may spread the light of truth widely.

Indeed, it is not unknown to us how diligently your Venerable Brothers devote themselves to schools and gymnasiums, either in establishing them or in improving them for the proper instruction of youth. This is clearly in accordance with the exhortations of the Apostolic See and the laws of the Council of Baltimore. Furthermore, it is highly commendable, for the increase of the hope and the enhancement of the dignity of the clergy, the generous works undertaken for the dissemination of sacred knowledge. What more can be said? You have wisely appointed learned and virtuous clergy to instruct and guide those who dissent, men who travel through the surrounding regions, and who publicly, either in churches or in other places, with a familiar manner, explain the truth and refute objections. This is certainly an excellent undertaking, and we already know that it is yielding abundant fruits. Meanwhile, your charity does not overlook the unfortunate conditions of the negroes and Indians; for, with faith-filled teachers sent and with generous aid provided, their eternal salvation is most diligently sought. These things we commend with a joyful heart and with honest praise, so that, if anyone is worthy, we may add encouragement.

Finally, we do not wish to overlook the service of your goodwill, and we

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are pleased by the generosity with which your people support the needs of the Apostolic See, even under difficult circumstances. Indeed, there are many and urgent necessities, for which it is necessary for the Vicar of Christ, the Supreme Pastor of the Church, and Father, to provide. Therefore, your generosity is an exercise of faith and a testimony of devotion.

[*Latin ed. p. 625*]

LETTERS 625 Concerning all these matters, We desire to express anew Our benevolence towards you, and may this be a pledge and a sign of the divine benefits, through the Apostolic blessing, which We impart most lovingly in the Lord to you all and to each of your congregations. Given in Rome, at St. Peter's, on the fifteenth day of April, in the twenty-fifth year of Our Pontificate. LEO XIII, Pope.

LETTERS from all the Bishops of North America to the Most Holy Father Leo XIII, on the occasion of the beginning of the twenty-fifth year of the Pontificate of the same Pontiff.

Most Blessed Father, We have greeted with great joy and with all due respect the auspicious day which has brought new joy to the entire world, and the present letters, filled with congratulations, bear witness to this. And rightly do we call this day auspicious, from which the twenty-fifth year of Your Pontificate begins. Just as the Church of Christ rejoiced when You, as the helmsman, boarded the ship of Peter, so too does she rejoice now, while You still hold the helm, if indeed You have always guided it with a steady hand amidst the storms and tempests that arise. Therefore, We, Your most blessed Father, sons most devoted, rejoice with you at this truly wonderful event, so unusual in the series of Roman Pontiffs, and We give thanks, We congratulate. We, all the Bishops of the United States of America, rejoice, each and every priest rejoices, the congregations entrusted to us rejoice. We give thanks to God for so great a divine gift, bestowed upon You, beyond all others, in the long succession of the blessed Peter. We congratulate You, who, through so many and such great labors for the Church, have glorified God, brought salvation to the faithful, and have earned for Yourself a brighter and more imperishable crown. But We do not wish to cease expressing these sentiments. It is fitting for the sons to commemorate the illustrious and glorious deeds of the Father, which, in recent years, have adorned the Church of Christ with new splendor. And so, We, having fulfilled our duty with threefold, triple, most worthy reverence, as Vicars of Christ, the Supreme King, Master, and Priest, We continue. For You are a most wise King, governing...

[*Latin ed. p. 626*]

626 Letters. To you, who have amplified the work entrusted to you by Christ on earth, and who have repelled hostile attacks unharmed; you, most faithful guardian of unity, obedient to the word of Christ,

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have strengthened the brethren, and have taken every care, so that the schismatics might be brought to proper submission and the heretics to the center of Catholic truth; you, a most excellent defender of liberty, have aided each individual church beset by storms, desiring nothing more than that the Catholic Religion might everywhere on earth be recognized by public authority; you, most beloved of peace, have been so diligent that you have restored harmony among the flocks and between the Pastor and the flock, preserving it tranquil, unharmed, and under the providence of God. And that zeal for peace, shining in you, joined with equal love of justice, has moved the minds of the most powerful Princes, so that they might designate you as an arbiter, and that the disputes arising among themselves might be resolved by you. For this most noble work, willingly undertaken, you have brought to a successful conclusion with remarkable prudence, to the approval of all parties involved. Nor have you been forgetful of the office entrusted to you by Him, who, King established by God upon Sion, his holy mountain, was at the same time the True Light illuminating every man coming into the world, serving the Church of Christ no less by teaching than by governing; and would that all, as many as have heard the words of life from your mouth, had been obedient to the voice of so great a Doctor! For no error threatens the good and peace of our society today, which you have not sought to remove by wise teaching; nor is there any truth adapted to the salvation of souls in this our time, which you have not transmitted to the faithful for them to learn. This salutary teaching, which you have so readily imparted, has been praised by all the faithful, for it contains such principles as promote human liberty, the sanctity and perpetuity of the Christian marriage, and the security of the constitutions of the states, so that each is joined to the whole and is made complete. Indeed, even those who are separated from the Roman See have offered you the highest praise for these monuments of your teaching. Finally, nothing was more dear to you, Vicar of the priesthood, than to promote the divine worship with all your zeal, and to make manifest the effective sanctity of the Church, by fostering the piety of the sacred ministers and by increasing the devotion of the faithful. Through you, the salutary religion of the Most Sacred Heart has increased; through you, the Rosary of Mary has been diligently promoted, bringing forth most wholesome practices; through you, the...

[*Latin ed. p. 627*]

LETTERS 627: The patronage of the Blessed Joseph has excited the confidence of all, especially of laborers and all those whom the poverty of Christ has blessed. Meanwhile, you have most generously provided for the needs and advantages of religious families, those who follow the evangelical counsels, and you have commended the Third Order of Franciscans, with its ancient laws adapted to the more recent customs of our age, to

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every faithful person, for the increase of Christian perfection. But you have indeed offered the example of the Holy Family of Nazareth to all Christian families, and you have confirmed with the sanction of the Supreme Authority the cult and imitation of it. These are, indeed, great and noteworthy acts of solicitude for the guidance, instruction, and sanctification of the Church of Christ. Those whom you have thus honored with special signs of benevolence, we wish to remember with singular paternal affection, and to offer thanks from the heart for the benefits received. And certainly, among the many outstanding duties that the solicitude of the Supreme Pastor encompasses, we scarcely find one which you have not deemed worthy to exercise for the proper and distinctive benefit of this American Church. From the very beginning of your pontificate, you turned your gaze to this part of the flock entrusted to your faith, and after a few years, you convened the Plenary Council of Baltimore (by authority of which Council, you devoted all your care and thought to promoting the good of the entire region). That Council, whose fruits we still perceive to be joyful and abundant, had scarcely been convened when, with a benevolent nod to the wishes of the Archbishop, you confirmed with legitimate constitution the establishment of the Urban College for young men of this Republic, which had long been founded by your illustrious predecessor, Pope Pius IX. Furthermore, you erected that College according to canon law, adorned it with the name and title of the Pope, and granted it all the prerogatives and privileges proper to pontifical colleges. These are but a few of the beginnings of your benefactions. How much more generous was your intention regarding the establishment of the Catholic University of Studies in this Republic, which surpasses all expectation. Indeed, Most Blessed Father, that great institution, already established in Washington for many years, is undoubtedly a work that you have especially promoted. We have not hesitated to strive for its improvement, and we have not moved without your approval and with your encouragement. And furthermore, you—

[*Latin ed. p. 628*]

628 Letters have arrived, except for those from the Tesan University, which we have not yet received. Furthermore, these letters serve to express the benevolence of the American Church. Indeed, when we received the news that we were to celebrate the centennial anniversary of the establishment of the hierarchy in the United States of America, you immediately sent letters of congratulations, in which you assured us once again of your singular paternal charity towards us. It is not surprising that you, who have been so deeply affected by these solemnities, have contributed so much to the growth of this hierarchy. For, of the fourteen provinces with their dioceses, numbering more than ninety, into which the Church of the United States of America is today hierarchically divided, thirty-three metropolitan sees and no fewer than twenty-four episcopal

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sees glory in you, Most Blessed Father, as their founder. And indeed, here are the paternal duties of your piety manifested. For another matter is of importance, namely, the very constitution of the American Legation. As much as we deem this to be, you have not merely taught us, but have shown us through multiple demonstrations under the auspices of the Apostolic Delegate, the extent of your benevolence. Although the institution of this Delegation has imposed a great burden on the work of ecclesiastical administration, it has not, however, put an end to your benefits. Indeed, we believe it is necessary to mention that, even after the establishment of the Apostolic Delegation among us, it pleased Your Holiness to assist us again and again with the generosity that you have so often demonstrated to us. While we consider these and similar matters, we clearly understand, Most Blessed Father, that it would not be sufficient to simply receive and cherish so many benefits from you, unless we express our gratitude with actions that are more significant than words. Therefore, may Your Holiness deign to accept this expression of filial piety and the highest veneration, which we declare on behalf of all the faithful of this region. To preserve intact the unity among us, to defend the Apostolic See, to profess the truth of the Catholic faith – in these things we strive, in these things we will endeavor, even to the shedding of blood. And these, Most Blessed Father, are the sentiments of our hearts, which we express as a sign of pious devotion and due reverence.

[*Latin ed. p. 629*]

EX 629. We implore the Divine Majesty, praying that You may watch over, protect, and be the good Father of the Christian family, offering new and ancient benefits to Your children in the years of Peter, and may preserve them. Baltimore, March 3, 1902. I. CARD. GIBBONS, in the name of himself and all the archbishops and bishops of the United States.

EX FROM THE HOLY CONGREGATION: To the bishops of Latin America, the faculty is granted to confer parishes and canonries without concurrence.

Most Blessed Father, the archbishops and bishops of Latin America, assembled in plenary council, having considered the needs of their dioceses, request:

I. That, given the difficulty of obtaining concurrence, all parishes may be conferred with a movable title;

II. That all canonries of office may be conferred without concurrence, whenever they judge it expedient.

May 4, 1900. — The Holy Congregation of the Sacred Roman Ecclesiastical Council, by virtue of the faculties specially granted to it by the Most Holy Pope Leo XIII, considered it fitting to respond to the aforementioned requests, as follows:

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Regarding I. — It is desired that, wherever possible, to certain principal parishes in each diocese, priests of mature age, of proven life, endowed with uncommon knowledge and piety, be conferred with a title ad tramitem iuris, according to the regulations of the Ordinary, for a period of ten years, so that other parishes, indeed even those mentioned above, if a prudent judgment of the Ordinary deems it necessary, may be conferred without concurrence and without a decree, saving the privileges granted by the Apostolic See, etc., or the faculty of transferring or removing the pastors of parishes; the bishops are to be disturbed only moderately and for just causes, burdened as they are by this matter.

Regarding II. — For a period of ten years, as requested.

A. CARD. DI PIETRO, Prefect.

[*Latin ed. p. 630*]

650 FROM THE HOLY CONGREGATION OF BISHOPS AND THE CONGREGATION OF THE PASSION OF OUR LORD JESUS CHRIST, SIGNINA, August 9, 1901. The priest, Septimius Antonelli, from the town of Gavignani in the diocese of Segni, in his supreme testament of April 19, 1650, founded a chaplaincy, or pious endowment, with assets assigned for its support. After the death of his priestly nephew, whom he had initially appointed to the chaplaincy, the priest called a priest who was the closest relative, both in the third degree of consanguinity and affinity. The assets of the chaplaincy were prohibited from being alienated in any way. Furthermore, as long as the priest called to the chaplaincy was not yet ordained, the administration and collection of the fruits from the aforementioned assets were to remain with Marsilius Antonelli and with the sons of Erminii Antonelli. Upon the death of these individuals, before a priest was appointed as chaplain, the testator substituted the sons of the late Caesar Antonelli and their descendants for this temporary administration, and imposed upon them the obligation of celebrating three Masses with singing annually, although nothing is known about any obligation of Masses imposed upon priests appointed to the chaplaincy. In the year 1871, on February 13, the chaplaincy became vacant due to the death of the last appointed, Francis Traietti. To obtain this chaplaincy, three candidates appeared before the Curia of Segni, namely, the priests Aloysius, son of the late Joseph, Aloysius, son of the late Charles Manui, and Peter Galante, a religious from the Congregation of the Passion of Our Lord Jesus Christ, known as Father Aurelius of the Sorrowful Virgin. The Curia of Segni, considering that Father Aurelius was the closest relative called, granted him the chaplaincy. The priests Manui, together with a certain layperson named Tucci, who claimed descent from the testator's

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family, appealed to the COMPENDIUM FACTI.

[*Latin ed. p. 631*]

FROM S. G. EPIS. AND REGUL. 631, the Holy Congregation of Bishops and Regulars had objections to the nomination that had been made. However, the Holy Congregation confirmed the nomination made by the Curia of Signina. Father Aurelius, having obtained money from the family, redeemed the endowment of the chapel from the Government, and in the year 1876, requested from the Holy Penitentiary the faculty either of selling a portion of the aforementioned endowment so that his family might be compensated for the money paid, or of granting the use of the chapel's property to the family for a certain time. From three successive Rescripts of the Holy Penitentiary, dated September 18, 1876, January 7, 1882, and April 14, 1886, the Ordinary of Signina already had the power to grant the chapel's property to the family of Father Aurelius for the purpose of compensating for expenses, or, if immediate compensation was necessary, to permit the sale of the property for the sum of 2300 livres, with the remaining sum to be invested for the benefit of the chapel. However, the matter could not yet be resolved due to certain difficulties that arose. Finally, an assessment was made by an expert, and the value of the property was determined to be 3016.94 livres. Using the powers granted by the Holy Penitentiary to the Ordinary concerning patrons, the Curia of Signina, on June 15, 1887, sold the property to Father Aurelius, who gave 716.94 livres for the chapel. In the year 1899, this property was sold by Father Aurelius to a certain Nardi for 5200 livres. Having been informed of this, the priests of Manni insisted with a formal letter before the Holy Congregation of Bishops and Regulars, requesting that no decree of the Curia of Signina be declared valid.

SYNOPTIC DISCUSSION. THE RIGHTS OF THE PRIESTS OF MANNI. The petitioners of Manni, having stated that the unjust act is called a "chapel endowment" because there is no obligation of masses, observe that the Rescript of the Holy Penitentiary obtained by Father Aurelius in the year 1876 was invalid, because the prayers contained a vice of obreptio and subreptio. For in these, no mention was made of those who have an interest, namely, of others called to the legacy. Furthermore, the petitioners state that...

[*Latin ed. p. 632*]

652 From the Most Holy Congregation of Bishops and Regular Canons, a legate presented a petition to the Government, and the redemption was deemed arbitrary, for no prior decree existed ordering the redemption of the legate, indeed, it could not apply when dealing with a simple abandonment of property by the testator from his own assets, and not one founded on ecclesiastical goods. Therefore, the compensation received by Father

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Aurelius in the amount of 2300 florins was improperly obtained. Thirdly, concerning the faculties granted to Patrons by the Most Holy Penitentiary to Bishop Signino in a rescript of December 16, 1886, there were three conditions. 1° That the composition of the legate should be made with the knowledge of those who had an interest. 2° That account should be taken of the real value of the funds. 3° That even the sums withdrawn from the composition should be reserved in part for the benefit of pious causes and at the discretion of the Holy See. Now, the petitioners Manni argue that these conditions were entirely disregarded. For, none of those summoned regarding the legate were heard; the value of the legate, which had been estimated at 3016.94 florins in the redemption, was later alienated by Father Aurelius for 5200 florins, and the minimum amount offered to restore the legate was only 716.94 florins. Therefore, the decree of the Curia of Signina, the Manni petitioners conclude, is manifestly invalid. Finally, the Manni petitioners seek a decree of nullity on another ground. As noted above, the testator expressly forbade the alienation of the legate's funds. Therefore, the decree of the Curia of Signina, which permitted this alienation, could not have any validity, being contrary to the will of the deceased.

REASONS IN FAVOR OF FATHER AURELIUS, PRESENTED BY THE VIRGIN PERDOLENTE. On the other hand, it is observed that the rescript of the Sacred Penitentiary of 1876 cannot be impugned on the grounds that the Manni petitioners were not heard. Since only Father Aurelius was summoned to the Chapel, as had already been decided by the Most Holy Congregation of Bishops and Regular Canons on July 22, 1876, and the disposition of the testator of the pious institution was well known to the Sacred Penitentiary, therefore, in this regard, no deception or trickery could be alleged. From the rescripts of the Sacred Penitentiary of January 7, 1882, and April 14, 1886, Father Aurelius was granted the faculty to retain a portion of the dowry.

[*Latin ed. p. 633*]

From the Sacred Congregations, Epistolary and Regulatory Decrees, 633: The alienation of chaplaincies for compensation of expenses already incurred in the amount of 2,300 livres in the redemption of the legacy. But when the Bishop of Signina, by decree of June 19, 1887, granted to Father Aurelius all the assets of the chaplaincy with the faculty of freely disposing of them for the appraised price of 3,016 livres, 04, of which 2,300 livres served for compensation, and the remainder, amounting to 7,16 livres, 04, were entrusted to the Curia for the benefit of the legacy, this usage is not in accordance with these decrees, but with the faculties granted to Ordinaries by the Sacred Penitentiary Congregation concerning patrons on December 16, 1886, as is indicated in the very decree itself. These faculties are as follows: 2° To grant indulgences to patrons who have already had the assets seized by the Government, so that they may freely alienate them or use

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them as their own, provided that they deliver to the Ordinary, or to a person or persons designated by him, a just price, which the patrons must bear, after deducting the expenses incurred for the seizure. This condition has already been fulfilled by Father Aurelius through the delivery to the Curia of 7,16 livres, 04. Finally, the petitioners, the Manni family, are attempting to overturn the decree of the Curia of Signina, causing an unjust price. This argument is easily refuted, if one considers that the price of the chaplaincy assets was not arbitrarily established, but was determined according to the expertise of a prudent and suitable appraiser, as is evident from the decree itself. If, however, in the course of time, namely in 1899, the aforementioned assets were sold for a higher price, namely 5,200 livres, this must be attributed to the improvements made, as Father Aurelius affirmed and proved. Having briefly outlined these points, the question arises: Whether the decree of the Bishop of Signina of June 19, 1887, which grants to Father Aurelius, a Passionist, formerly Peter Galante, the faculty to retain as his own assets the legacy of Antonelli for the price of 3,016 livres, 94, is valid in this case.

RESOLUTION: The Sacred Congregation, after mature deliberation, responded: Affirmative.

[*Latin ed. p. 634*]

654 FROM THE SECRETARY'S OFFICE: GRANTS granted by the Pious Association of St. Boniface. HIS HOLINESS, Pope Leo XIII, for the perpetual memory of this matter. Our beloved son, George, a priest of the Sacred Roman Church, Cardinal Kopp, presented to Us, having expressed to Us his great desire, that We might, with Our benignity, grant to the priests legitimately admitted to the Pious Association of St. Boniface, the following privileges, which the assembled prelates of Germany in Fulda have commended, namely: the privilege of celebrating the Mass at a personal altar, and of granting to those constituted in the article of death the blessing with plenary indulgence of all admitted sins; as well as of blessing crucifixes, prayerful crowns, and small statues of the Saints, and of blessing and, according to the custom, imposing certain scapulars upon the faithful. We, however, wishing that this fruitful society may receive greater increase from the Lord, and confident in the mercy of Almighty God, and by the authority of the Blessed Peter and Paul, do hereby grant, that all and each priests, now and in the future legitimately admitted to said Association of St. Boniface, whenever they shall have celebrated the sacrifice of the Mass for the soul of any Christian faithful detained in Purgatory, the sacrifice of this Mass, if celebrated three times within the week for the deceased soul, shall be efficacious as if it had been celebrated at the privileged altar. Furthermore, We grant that whenever any Christian of either sex, constituted in the article of death, having made his confession and received absolution, or, if he is able, having received Holy Communion, or, if he is not able,

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having at least invoked the name of Jesus, or, if he is unable to do even that, having devoutly invoked the mercy of God, and having received death as the just recompense of his sins with a patient spirit, he may, as often as possible, receive the Apostolic blessing in Our name and in the name of the Roman Pontiff then existing, with the plenary remission of all his sins, observing, of course, what is to be observed; and We also grant, that all and each priests, now and for the time being...

[*Latin ed. p. 635*]

From the Brief Secretariat 635, equally promulgated, concerning the Society of Boniface: Those inscribed in the Society, outside the City, with the consent of the respective Ordinary, may, with the application of indulgences, which are enumerated in the list published by the Sacred Congregation of the Propagation of the Faith on February 23, 1878, bless publicly, during missions, and at other times privately, crosses, crucifixes, sacred medals, prayer crowns, and small metallic statues of Our Lord Jesus Christ, of the Blessed Virgin Mary, and of all the Saints. And concerning the prayer crowns, the application of the indulgences of Saint Bridget is not excluded. Furthermore, the priests of the aforementioned association, provided that the consent of the Superiors of the Religious Orders is obtained, may also bless and bestow upon the faithful the scapulars of the Most Holy Trinity, of the Blessed Virgin Mary of Mount Carmel, of the Seven Sorrows, and of the Immaculate Conception, provided, however, that the scapulars themselves are made according to the norms approved by the Holy See, and that all that is prescribed by the laws of the Church is observed concerning their blessing and imposition. Notwithstanding Our regulations and those of the Apostolic Chancery concerning the granting of indulgences, and all other constitutions and Apostolic ordinances and other contrary provisions whatsoever. These present regulations are to remain perpetually in force. We decree that a transcript or a printed copy of these present documents, signed by a public notary and sealed with the seal of a person of ecclesiastical dignity, shall be presented as a warning, with the same full faith as if the present documents themselves were exhibited or shown. Given at Rome, at Saint Peter's, under the Fisherman's ring, on the twenty-fourth day of March in the year 1901, in the twenty-fourth year of Our Pontificate.

For the Lord,

CARD. MACCHI

NICOLAUS MARINI

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[*Latin ed. p. 636*]

636. BY A BRIEF INDULGENCE, granted to those who visit the churches of the Fathers of the Capuchin Order, on certain days of the year. LEO XIII, Pope. For the future record. Graciously consenting to our prayers, and confident in the mercy of Almighty God and in the authority of the Holy Apostles Peter and Paul, We grant, to all and each Christian faithful, both men and women, who, having repented and confessed, and having received Holy Communion, wherever they may be, devoutly visit any church belonging to the monastery of the Brothers or Nuns of the Capuchin Order on the days of the fifteenth of March, the eleventh and thirty-first of May, the twenty-seventh of July, and the thirtieth of October, from the first vespers until sunset, on each of these days of the year, and there offer prayers to God for the concord of Christians, for the extirpation of heresy, for the conversion of sinners, and for the exaltation of the Holy Mother Church, to those who shall have thus acted, We grant, in the Lord, a plenary indulgence for all their sins, and a remission, with the greatest efficacy, even for the souls of the faithful detained in Purgatory, as a most suitable suffrage. This is valid for seven years. Furthermore, We wish that the faith be applied to these present letters, or to copies or exemplifications thereof, even when presented by a public notary, subscribed and sealed by a person constituted in ecclesiastical dignity, in the same manner as if the original documents were exhibited or shown. Given at Rome, at St. Peter's, under the Fisherman's ring, on the 2nd day of December, in the twenty-fourth year of Our Pontificate. For the Lord, Cardinal MACCHI, MARINI, Substitute. A BRIEF granting indulgences in favor of the sacred Hearts of Jesus and Mary. LEO XIII, Pope. For the future record. To promote the piety and devotion of the faithful to the Sacred Heart of Jesus and to the most pure Heart of the Virgin Mary, We...

[*Latin ed. p. 637*]

From the Brief Secret, number 637, having readily acceded to the supplications presented to Us both by the Venerable Brother Bishop of Marseilles and by the religious Sisters of the Institute of the Daughters of the Sacred Heart, and through the Decree of the Sacred Congregation of Rites, dated April 4, 1900, We have approved the scapular of the same Sacred Heart, as well as the most beloved Heart of Mary, together with the proper formula of blessing and imposition.

Moreover, since it has never been requested of Us to attach and apply certain indulgences to said scapular, We, also in this matter, granting pious wishes, confident in the mercy of Almighty God and by the authority of Our blessed Peter and Paul, grant to all and each of the Christian faithful throughout the world who shall receive, through the hands of a priest to

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whom the Apostolic See has granted the faculty, the aforementioned scapular, provided that it be made according to the form described in the aforementioned Decree, and who, truly contrite and having made confession, approach the Holy Sacrifice, a plenary indulgence; likewise, in the hour of their death, if truly contrite and having made confession and received Holy Communion, or, if they are not able to do so, at least having devoutly invoked the name of Jesus, if they can, or, if not, in their heart, a plenary indulgence; and if, truly contrite and having made confession and received Holy Communion, they shall have visited, on any day, a church or public oratory with solemnity on the Feast of the Most Holy Body of Christ, on the sixth day after the octave of the same feast, after the last Sunday of August, and on the Feast of the Immaculate Conception of the Blessed Virgin Mary, from the first vespers until sunset, on these days each year, and there have poured forth pious prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We, in the Lord, mercifully grant a plenary indulgence and remission of all sins.

Notwithstanding anything to the contrary. We decree that the present Letters, whether transcribed or printed, shall be delivered to a public notary to be signed and sealed with the seal of a person constituted in ecclesiastical dignity, and that the same faith shall be given to them as would be given to the present Letters if they were exhibited or shown; but We will not grant the same indulgences if this is not done. A copy of the present Letters shall be delivered to the Secretariate of the Sacred Congregation of Indulgences and Sacred Relics, according to the Decree of the same Sacred Congregation, dated January 19.

[*Latin ed. p. 638*]

638 FROM THE APOSTOLIC PENITENTIARY, decree of 1706, promulgated by Our Predecessor, Pope Benedict XIV, approved on the 28th day of this month. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 7th day of March, 1901, in the twenty-fourth year of Our Pontificate. ALOIS. Card. MACCHI.

FROM THE APOSTOLIC PENITENTIARY: A question concerning the manner of performing processions to gain the Jubilee indulgence. Most Blessed Father, the Bishop of Bayonne in Gallia, humbly prostrates himself before Your Holiness, and earnestly requests a solution to the following doubt. Certain pastors, while carrying out the visitations of the Jubilee processionally, proceed in this manner: An ordered procession is arranged to the designated churches, so that prayers may be offered with less disturbance, and moreover, so that the order of the procession is not disrupted; the clergy, with the Cross preceding, and with the first members of the procession, enter the church being visited, while the others remain in the procession, standing near the doors of the church and along the street,

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and then a common prayer is recited, with part of the people remaining inside and part outside the church. Upon completion, they proceed to another church in the same manner. The question is: Does such a visitation of churches, in which the majority of the people do not enter the church, suffice to gain the Jubilee indulgence, even if the churches could contain the entire population?

The Apostolic Penitentiary, with special and express Apostolic authority concerning the aforementioned matters, writes and provides as follows: For the remission of past sins; concerning the future, those who organize the processions should take care that all who can be accommodated within the church enter it.

Given in Rome, in the Apostolic Penitentiary, on the 18th day of October, 1901. B. POMPILI, Secretary. P. Corrector.

[*Latin ed. p. 639*]

659 FROM 3. C. CONCERNING THE PROPAGATION OF THE FAITH: The faculty of founding new monasteries is denied to Bishops without the permission of the Roman Pontiff. My Lords and Ladies. Although this Sacred Congregation for the Propagation of the Faith knows well that great benefit accrues to the missions from the ministry of Religious, so that it is most desirable to see their houses established everywhere, it is nevertheless necessary to ensure that these are carried out in an orderly manner and according to established discipline and norms. Therefore, the Sacred Congregation, through these present letters, recalls to the attention of the Ordinaries of the places subject to it, the judgment which, as a common opinion, is widely favored today by the authority of the Roman tribunals, as stated in the Constitution of the Most Holy Pope Leo XIII, which begins "Roman Pontifices," namely: that Religious, both within and outside of Italy, are not permitted to found new monasteries or convents, or colleges, without the permission of the Bishop, but also that the faculty is required from the Apostolic See. Since it appears that this law has either never been observed, or has not always been observed, therefore the Sacred Congregation desires that its observance be promoted through these present decrees. Therefore, let the Ordinaries, all those subject to the Sacred Congregation, henceforth abstain from granting permission to Religious Institutes to open houses within their own jurisdiction, without first obtaining permission from the aforementioned Sacred Congregation. As for religious houses already existing in those territories, the Sacred Congregation, after consultation, although, if the Ordinaries object, it may, in each case, consider whether such foundations are entirely legitimate: nevertheless, it commands that a list of such houses, if any exist, be presented to it separately from the Ordinaries, and that, at the same time, canonical recognition for the same be requested through a written petition. In the meantime, I pray to God that He may long preserve you. Given in Rome, from the offices of the

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Sacred Congregation for the Propagation of the Faith, on the 7th of December, 1901. Most devoted servant, M. CARDINAL LEDOCHOWSKI, Prefect. ALOISIUS VECCIA, Secretary.

[*Latin ed. p. 640*]

640 FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, CONCERNING ABUSES TO BE AVOIDED IN THE GRANTING OF DISPENSATIONS REGARDING MARRIAGES. To His Eminence, etc. It has been reported to this Sacred Congregation for the Propagation of the Faith that, in certain dioceses of the United States of America, certain abuses have occurred and that some irregularities are committed in the granting of matrimonial dispensations. It is said that, in some places, even in urgent cases, the practice prevails not only of seeking dispensations for marriages by telegraph, but also of completely omitting any mention of the canonical cause in the petition; furthermore, of omitting those statements and circumstances which the Instruction of the Sacred Congregation for the Propagation of the Faith, dated May 9, 1877, declares to be entirely necessary. It is also said that, in some places, in urgent cases, the practice is followed of considering as obtained a dispensation, even if the petition for it has only been drafted in a letter. Moreover, it is reported that the principle, by virtue of which baptism must be diligently inquired into in order to determine the validity of marriage, is often not properly applied. It happens that a priest, to whom it is incumbent to inquire whether the Catholic party has been baptized or not, limits his entire inquiry to asking the Catholic party whether *he* himself has been baptized. If he answers in the affirmative, without any required document or proof, he is considered to be baptized, and the requested dispensation from the impediment of mixed religion is granted, and the marriage is celebrated. And thus, many marriages have been contracted which are invalid because of the impediment of disparity of cult, because the Catholic party was not baptized, although he affirmed that he was. These matters, Your Eminence, I have considered it opportune to bring to your attention, so that in the near future, at the annual congress of the American archbishops of this region, these matters may also be discussed, and, if necessary, appropriate measures may be taken. In the meantime, I humbly kiss your hands. Your Eminence's devout and obedient servant, M. CARD. LEDOCHOWSKI, Prefect. ALOISIUS VECCIA, Secretary.

[*Latin ed. p. 641*]

641 ENCYCLICAL LETTER of Our Most Holy Father Leo XIII, Pope, Concerning the Most Holy Eucharist. Examples of the wondrous things that shine forth for the salvation of men from Jesus Christ: We have indeed striven, and shall strive to the very end, with all our strength, inspired by the sanctity of our office, to promote and defend the truth and justice, as We

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have taught, admonished, and acted, as Our most excellent Apostolic Letter has confirmed to you. We shall not cease, therefore, to diligently perform whatever seems most fitting, whether to repel the contagion of manifold errors, or to lead Christian life more suitably. Among these, there are two matters of recent memory, entirely connected with each other, from which We ourselves, recalling the great benefits derived from them in the face of so many causes of distress, earnestly desire to draw opportune consolation. One is the devotion to the most august Heart of Christ the Redeemer, which We have judged to be most fitting for the entire human race; the other is the exhortation We have addressed to all who profess the name of Christian, that they adhere to Him who is, through both individual and communal means, the divine truth, the divine life.

Now, however, moved by Apostolic charity and almost compelled by the times of the Church, We are impelled to add something further to these matters, as if completing them, so that We may commend the most holy EUCHARIST to the Christian people in an even greater way, since it is the most divine gift, the most intimate union of the soul with Our Redeemer, a union most earnestly desired by men, and most efficacious for bringing about the salutary fruits of redemption. Although, even in this matter, We have not neglected to employ our authority and efforts in various ways. It is pleasing to remember that We have aided, with Our approval and privileges, many Institutes and Societies devoted to the perpetual adoration of the divine Host; We have also striven that Eucharistic gatherings be held with due dignity and with equal usefulness; and We have attributed similar works to the patronage of the heavenly protector, Paschal Baylon, who was a most devout cultivator of the eucharistic mystery.

[*Latin ed. p. 642*]

642 ENCYCLICAL LETTER: While various doctrines, eloquence, and arts strive splendidly, and while certain forms of discourse are embraced, it seems that the most effective and expressive means of imparting virtue, especially in these times of pressing needs, is that which most directly addresses the same virtues. Indeed, since our Lord Jesus and Christ, at the end of His mortal life, left behind this immense monument of charity for mankind, and this is the greatest safeguard for the life of the world (1), we can desire nothing more for our future lives than that we may be permitted to stir up in all hearts, and to nourish with due memory, the affection for the admirable Sacrament, which, sought by the efforts of all, brings health and peace, and we believe that it will prove to be most efficacious. In this age, so disturbed and so miserably afflicted, we must especially seek these remedies and aids. Surely, there are those who are discouraged, and perhaps even those who will receive our words with impudence. Indeed, this is the height of pride: when this vice is present in the soul, Christian faith, which desires obedience to the most religious precepts, is weakened, and

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therefore, a darkness descends upon the divine truths; and so it happens to many: "But these men blaspheme whatever things they know not: and what things soever they naturally know, like dumb beasts, in these they are corrupted" (2). Therefore, it is necessary that we, from the beginning, be guided by counsel, so that we may, with greater zeal and with a rightly disposed mind, bring light to those who are ignorant, and that we may implore forgiveness from God for those who are unholy, and that we may offer fraternal prayers on behalf of the pious. To know the virtue of the Most Holy Eucharist, as it truly is, is to understand the work that God, made man, accomplished with such power and mercy for the sake of humankind. For just as it is to profess and adore Christ directly, the supreme author of our salvation, who is established by wisdom, laws, institutions, examples, and all things; so too it is to profess and adore Him in the Eucharist, truly present, so that He may truly remain among men for all eternity, and that He may, as a good teacher and pastor, impart to those who receive Him the benefits of redemption, and that He may, as a perpetual intercessor, offer Himself to the Father. Furthermore, those who consider the benefits of the Eucharist with diligence and piety will understand that it surpasses and excels all other things.

(1) John 6:52.

(2) Jude 1:10.

[*Latin ed. p. 643*]

ENCYCLICAL LETTER 643. Men, indeed, seek that which sustains life: If any man eat of this bread, he shall live for ever: and the bread that I will give is my flesh, for the life of the world (1). — As We have already taught, Christ is life; He, who came among men professing to bring them a certain and more abundant life than that which is human: The thief cometh not, but for to steal and to kill and to destroy. I am come that they may have life and may have it more abundantly (2). Immediately, as the goodness and humanity of our God the Savior appeared (3), so also a completely new order of things arose, and it has remained in the veins of civil and domestic society. New bonds between man and man; new public and private laws; new offices; new courses of studies, arts, and disciplines: and, above all, the minds and studies of men are drawn away from the truth and the sanctity of religion, and thus, the life given to man is plainly and truly heavenly and divine. To this, indeed, those things refer which are frequently mentioned in the sacred Scriptures: the tree of life, the word of life, the book of life, the crown of life, and, especially, the bread of life. But, since these things express a likeness to life, just as one food nourishes and strengthens, so too another must be sustained and increased by its own food. Thus, it is fitting that Christ, at the opportune time and in the opportune manner, moved the minds of men and led them to desire the living bread, which He was about to give, so that they might properly and thoroughly understand it. For

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when He had manifested the miracle by which He had satisfied the hunger of a multitude with a few loaves of bread on the shore of the Sea of Tiberias, many flocked to Him, hoping to obtain some benefit from Him. Then Jesus, seizing the opportunity, just as He had, when the Samaritan woman was thirsty, and He had drawn her to the fountain of living water, that is, eternal life (4), so He elevated the minds of the eager multitude, so that they might desire more earnestly that bread which gives life everlasting (5). And Jesus, to make it clear that this is not that heavenly manna, which was given to your fathers during their pilgrimage in the desert; nor is it that which you yourselves recently received with such amazement (1) John 6:52. (2) John 10:10. (3) Titus 3:4. (4) John 4:14. (5) Ibid. 6:27.

[*Latin ed. p. 644*]

644 ENCYCLICAL LETTER: "I am the bread of life" (i). Moreover, He further confirms this to all, both by inviting and by commanding: "If any man eat of this bread, he shall live for ever: and the bread that I will give is my flesh, for the life of the world" (2). The weight of this precept is so great that it overcomes all: "Then Jesus said to them: Amen, amen, I say unto you: except you eat the flesh of the Son of man and drink his blood, you shall not have life in you." (3). — Therefore, let that most pernicious error be far from us, which leads some to believe that the use of the Eucharist is merely a matter of devotion, and that those who, with a narrow and restricted spirit, seek only a certain kind of religious repose, are thereby sufficiently pleasing to God. For this, which is nothing less than the most excellent and salutary thing, pertains to all, to those of whatever rank or position, who desire (and no one ought not to desire) to foster the divine grace, the ultimate goal of which is the attainment of blessed life with God. And may those, whose intellect, industry, or authority can so greatly influence the affairs of men, rightly understand and provide for this. But alas, we see and deplore that many, with a haughty spirit, have learned a false and deceptive kind of life, and, driven by their own impulse, eagerly pursue every kind of worldly advantage and marvel. But, whatever one may observe, human society, if it is alienated from God, rather than seeking true tranquility, is agitated and trembling, and those who rely solely on its prospects are followed by misfortune, are held back, and are dragged down. For just as men and states are necessarily dependent on God, so in nothing else can they live, move, or accomplish any good, except through God and through Jesus Christ; through whom flow and continue to flow all the best and most excellent things. — But the source and head of all these good things is, above all, the august Eucharist: by which, as well as nourishing and sustaining the life of which we so ardently desire, it also greatly increases the dignity of man, which now seems to be so great. For what is greater or more desirable than to share in the divine nature itself? But Christ grants this to us supremely in the Eucharist, which leads us to communion with the divine (1) John

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6:48. (2) Ibid. 52. (3) Ibid. 54.

[*Latin ed. p. 645*]

LETTER. ENCYCLICAL 645. The grace, a gift, joins itself to man, and even strengthens him. For there is a difference between the food of the body and that of the soul, for the former is changed into it, while the latter changes it; and as Augustine says: "You will not change me as the food of your flesh, but you will be changed into me" (1). And so, in this most excellent Sacrament, in which the manner in which men are incorporated into divine nature is most clearly manifested, they experience the greatest increase in all kinds of supernatural virtues. And first, in faith. Faith has always had its adversaries in every age; for although human reason extols the knowledge of the most excellent things, yet, because it has revealed supernatural things, it conceals what is above, and thus seems to depress the very minds themselves. But in former times, this attack on the head of faith was less intense; subsequently, the war has flared up much more widely, and it has come to the point where nothing supernatural is affirmed at all. Indeed, nothing is more fitting for restoring the vigor and fervor of faith in souls than the mystery of the Eucharist, which is properly called the mystery of faith: for in it, all that is supernatural is contained in a singular abundance and variety of miracles. "The merciful and compassionate Lord has made a memorial of His wonders, and has given food to those who love Him" (2). For if God has done anything that is supernatural, He has referred it to the Incarnation of the Word, through the benefit of which the human race is restored, according to the Apostle: "He has prepared to make all things new in Christ, both those that are in heaven and those that are on earth, in Him" (3); and the Eucharist, according to the testimony of the holy Fathers, is to be considered a continuation and amplification of the Incarnation. For something of the very substance of the incarnate Word is united with each and every man; and, above all, the sacrifice of Calvary is wonderfully renewed; as Malachi foretold: "For in every place incense shall be offered to My name, and a clean offering shall be offered" (4). This miracle, the greatest of all miracles, is accompanied by countless wonders; for here, all the laws of nature are suspended: the entire substance of bread and wine is converted into the body and blood of Christ; the species of bread and wine, without any substrate, sustain divine virtues; the body of Christ is truly and substantially present (1) Cf. I. VII, c. X. (2) Ps. 109, 4-5. (3) Eph. 1, 9-10. (4) Mal. 1, 11.

[*Latin ed. p. 646*]

646 The Encyclical letter recounts that, in numerous places, the Sacrament is celebrated. However, the observance of this Mystery, which human reason, however diligently, cannot fully grasp, is aided by miracles, which serve as a testament to its glory, as was done in times past; of these, pub-

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lic accounts remain, and their monuments are still visible in many places. Therefore, we see that this Sacrament nourishes faith, dissipates the comments of rationalists, and most clearly illustrates the order of things that are supernatural. But, so that the faith in divine things may languish, not only pride, which we have already mentioned, but also the corruption of the soul is responsible. For it is true that the more anyone is advanced in years, the more astute he is in understanding; but, if the mind is obscured by the pleasures of the body, even the prudence of the Gentiles is surpassed by divine wisdom (1); thus, the pleasures of the body obscure the light of faith in divine matters, and even extinguish the just judgment of God. Indeed, this incurable lust burns fiercely today, and all are infected from a very early age, as if by some contagious disease. But a most excellent and effective remedy for this terrible evil is readily available in the divine Eucharist. For, first of all, it restrains lust by increasing charity; for Augustine says: "Its nourishment is the diminution of pleasure; its perfection, the absence of all desire" (2). Furthermore, the most blessed Jesus, by His flesh, restrains the insolence of our flesh, as Cyril of Alexandria observed: "For Christ, being in us, satisfies the law of the flesh in our members" (3). Moreover, the fruit of the Eucharist is singularly pleasing, as that prophetic passage indicates: "What is the good of His (Christ's), and what is the beauty of Him, except that He is the grain of the elect and the wine that springs forth from the virgins?" (4), that is to say, the sacred purpose of virginity, which, even when the pleasures of the world are waning, flourishes more abundantly and profusely in the Catholic Church: for it is rightly known that everywhere it is a benefit and an ornament to religion itself and to human society. Furthermore, the hope of eternal good things, and the confidence in divine assistance, are wonderfully strengthened by this kind of Sacrament. For the desire for blessedness, which is inherent in all souls, is, in this life, directed towards earthly goods (1) Sap. I, 4. (2) De diversis quaestionibus LXXXIII, quaest. XXXVI. (3) Lib. IV, c. 2 in loann. VI, 57. (4) Zach. IX, 17.

[*Latin ed. p. 647*]

ENCYCLICAL LETTER 647. The deceit and unjust practices of wicked men, and other disturbances of both body and soul, are increasingly aggravated. Truly, the august Sacrament of the Eucharist, which is the pledge of blessedness and glory, is not only beneficial to the soul, but also to the body. For when it enriches the soul with the abundance of heavenly goods, it fills it with the sweetest joys, which far surpass the esteem and hope of any earthly thing; it sustains in adversity, strengthens in the struggle of virtue, and safeguards eternal life, leading, as it were, with a well-prepared provision to that which is to come. But that divine Host, which is destined for the corruptible and fleeting body, foreshadows the future resurrection; for the immortal Body of Christ is the seed of the immortality which will one day be revealed. The Church has always taught that both soul and body

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will receive good from this, following Christ who affirmed: "He that eateth my flesh and drinketh my blood hath everlasting life: and I will raise him up in the last day" (1).

Since it is of great importance to consider that the Eucharist, which Christ instituted as a perpetual memorial of His Passion (2), salutarily admonishes the Christian to live chastely, Jesus said to His priests: "Do this in commemoration of Me" (3), that is, do this to remember My pains, My sorrows, My torments, My death on the cross. Therefore, this Sacrament is always a sacrifice, an exhortation to repentance at all times, and to all labors, and also a grave and severe condemnation of the pleasures which men most impudently pursue and boast of: "For as often as you shall eat this bread and drink the chalice, you shall shew the death of the Lord, until he come" (4).

Furthermore, if you diligently inquire into the causes of the present evils, you will find that they arise from the fact that charity has diminished among men, with a corresponding cooling of charity towards God. Men have forgotten that they are the sons of God and brothers in Jesus Christ; they care for nothing but themselves; they not only neglect the concerns of others, but often oppress them, and invade their rights. Hence, there are frequent disturbances and contentions among citizens: arrogance, harshness, and fraud among the powerful; among the weaker, misery, envy, and divisions.

(1) John 6:55.

(2) St. Thomas, *Summa Theologica*, II-II, Q. 170, a. 1.

(3) Luke 22:19.

(4) 1 Corinthians 11:26.

[*Latin ed. p. 648*]

648. Indeed, the remedy for evils cannot be sought in vain through the laws of providence, the fear of punishments, or the deliberations of human prudence. It is necessary and ought to be emphasized, as We have often and more fully stated, that the orders of citizens should unite with one another through the bond of their offices, which, proceeding from God, should refer to the edification, the fraternal spirit, and the charity of Jesus Christ. Christ introduced this into the world, and He wished to inflame all with it, because it is capable of bringing something of beatitude, not only to souls, but also to the body: for indeed, immoderate love restrains a man, and it restrains the cupidity of riches, which is the root of all evils (1). Although it is true that all parts of justice should be observed among the orders of citizens, it is especially through the protection and temperance of charity that it will be possible to achieve what Paul advocated, namely, equality (2), and to preserve it. Therefore, Christ willed this, when He instituted this most august Sacrament, to excite charity in God, and to foster mutual

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charity among men. For this, as is evident, exists by its own nature, and it is, as it were, spontaneously poured forth; and it cannot exist without being kindled and invigorated, if the charity of Christ towards Himself is to abound in this Sacrament; in which, having magnificently manifested His power and wisdom, He has, as it were, poured forth the riches of His divine love towards men (3). Nevertheless, let us, following the example of Christ, and to the extent that we inwardly love and wish to help our brethren, be daily more closely bound together in fraternal affection! Furthermore, since even these very signs of this Sacrament are opportune incentives for union, let us consider what the holy Cyprian says: "Finally, the very Sunday sacrifices declare the Christian unity, which is inseparable from charity. For when the Lord calls His body bread, which is made from the gathering of many grains, He indicates the people whom He bore; and when He calls His blood wine, which is expressed from many grapes and pressed together into one, He signifies the flock also, of a multitude united in mixture (4)."

(1) 1 Timothy 6:10.

(2) 2 Corinthians 8:14.

(3) Council of Trent, Session XIII, De Euch., chapter II.

(4) Letter 69 to Magnus, paragraph 5 (or 6).

[*Latin ed. p. 649*]

ENCYCLICAL LETTER 649 ter. According to the opinion of the Angelic Doctor Augustine, this is the case: Our Lord commended His body and blood in those things which are reduced to one from many; for one thing, namely bread, consists of many grains united into one; another thing, namely wine, is composed of many grapes united into one; and therefore, Augustine elsewhere says: "O sacrament of piety, o sign of unity; o bond of charity." (2) These things are confirmed by the teaching of the Council of Trent, which states that Christ left the Eucharist to the Church "as a symbol of its unity and charity, by which He willed that all Christians should be joined and united together... a symbol of that one body, of which He is the head, and to which He willed that we, as members, should be most closely united by the bonds of faith, hope, and charity." (3) And Paul said: "For we, being many, are one bread, one body: all that partake of one bread." (4) This is a most beautiful and fitting example of Christian brotherhood and social equality, where rich and poor, learned and unlearned, all partake together of the heavenly banquet. — If it is fitting that this beginning of this [era] is rightly celebrated for the praise of the multitude of believers who were of one heart and one soul, (5) it is certainly not obscure that they owed this excellent good to the custom of the divine table; for it is from them that we read: "And they were persevering in the doctrine of the apostles and in the communication of the breaking of bread and in prayers." (6) Mutual intercourse among the living, by the grace of charity,

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to which the eucharistic sacrament alone grants true strength and increase, especially through the virtue of the Sacrifice, remains for all who are numbered among the saints. For there is nothing else like the communion of saints, which no one ignores, except for the mutual communication of help, expiation, prayers, and benefits among the faithful, whether in heaven, among the blessed, or in purgatory, or still on earth, all coalescing into one society, of which Christ is the head, and of which charity is the form. This, however, is established by faith, and although it is only lawful for God alone to offer the august Sacrifice, ta(1) Tract. XXVI, in Ioann. n. 15, 17. (2) Summa theol. III p. q. LXXIX, a. 1. (3) Sess. XIII, De Euchar. c. II. (4) 1 Corinthians 10:17. (5) Acts 4:52. (6) Acts 2:42.

[*Latin ed. p. 650*]

650 LETTER also honoring those who, in the company of the Saints reigning with God in Heaven, celebrate the patronage of our patrons, and also, as is fitting, to abolish the faults of brothers who, already dead in the Lord, are not yet fully expiated. — Therefore, true charity, which seeks the salvation and well-being of all, and which is accustomed to do and suffer all things, burns with active zeal from the most holy Eucharist, where Christ Himself is present, alive, and where He indulges His love most abundantly, and by the impulse of divine charity, He perpetually renews His sacrifice. Thus, it is easily seen how arduous are the labors of apostolic men, and how many and various are the benefits which, among Catholics, are attributed to them, inspiring hope, strength, constancy, and happy outcomes. These few things, in this vast matter, we do not doubt will be abundantly fruitful for the Christian people, if your efforts, Venerable Brothers, are suitably presented and commended. But truly, the Sacrament of the Eucharist, which is so great and so full of all virtues, is never worthy of praise, nor of veneration. Whether you meditate upon it piously, adore it properly, or, even more, receive it purely and holily, it must be considered the center of Christian life, as much as it exists; and everything else is directed to it and ends in it. And in this very mystery, Christ's benevolent invitation and promise is fulfilled daily: "Come to me all you that labor and are burdened, and I will refresh you" (1). — Finally, it is, as it were, the soul of the Church, to which the fullness of priestly grace is directed through the various degrees of the orders. From it, the Church draws and possesses all its virtue and glory, all the ornaments of divine graces, all good things: for which reason, in order to bring the hearts of the faithful into intimate union with Christ through the Sacrament of His Body and Blood, it instructs and leads them; and for this reason, it makes the very ceremonies surrounding it more venerable. — Furthermore, the Church's maternal providence commends this, even in this general way, through the exhortation which was published in the sacred Council of Trent, a truly wonderful act of charity and piety, which is perfectly worthy of being received by the Christian people (1) Matthew

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11:28.

[*Latin ed. p. 651*]

ENCYCLICAL LETTER 651, entirely renewed: "With paternal affection, the Holy Synod admonishes, encourages, and implores, through the very bowels of the mercy of our God, that all and each, who bear the name of Christian, in this sign of unity, in this bond of charity, in this symbol of concord, may at long last convene and agree together, remembering the immensity of majesty, and the supreme love of Jesus Christ our Lord, who for our and our salvation gave Himself entirely, and offered His flesh to us, that we might receive these sacred mysteries of His Body and Blood, with constancy of faith and firmness, with devotion and piety of soul, and with worship, so that they may receive that bread in a manner that truly becomes food and life for the soul; strengthened by its power, they may be able to arrive from this miserable pilgrimage through life to the heavenly homeland, and may receive the same bread of the Angels, which is offered in a manner that is not to be concealed." (1)

Furthermore, history testifies that Christian life has flourished more abundantly in those times when the reception of the Eucharist was more frequent. Conversely, it has also been observed that when men neglect or even disdain the heavenly bread, the vigor of the Christian profession gradually diminishes. To prevent this from happening, the Council of Lateran, under Innocent III, appropriately decreed that no Christian should abstain from the Communion of the Body of Christ, at least during the solemnities of Easter. It is clear that such a decree was given with great seriousness, and as a last resort: for it has always been the desire of the Church that all the faithful should be partakers of this divine food.

"The Holy Synod desires that those who are present at each Mass should, not only with spiritual affection, but also with sacramental reception of the Eucharist, communicate, so that the most blessed fruits of this sacrament may be abundantly bestowed upon them." (2)

Indeed, this most august mystery has a most abundant supply of salvation, not only for individuals but for all men, for it is a Sacrifice offered by the Church for the salvation of the whole world. And, through the common efforts of the faithful, the worship of this Sacrifice is made ever more worthy.

(1) Session XIII, concerning the Eucharist, chapter VIII.

(2) Council of Trent, Session XXII, chapter VI.

[*Latin ed. p. 652*]

652. Epistola encyclica: Hoc aevi, vel potius, in hoc aevo, maxime convenit. Quare, multipliciter ipsius virtutes, sicut et scientiam, diligenter recolere debemus. — Principia illa natura et perspicuitate manifesta sunt: supremum esse absolutumque in homines, private et publice, Dei

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creatoris et conservatoris imperium; quidquid sumus, quidquid private et publice habemus, omnia divina largitate profectum; vicissimque a nobis Deo testandam et summam, ut Domino reverentiam, et maximam, ut beneficentissimo, gratiam. Haec officia sunt quae quisque hodie invenitur, et quae par est legione colere et observare! Contumacia in Deum spiritu, si umquam alia, praeferunt aetas: inquitur, et invaluet adversus Christum ea vox nefaria: "Nolumus hunc regnare super nos" (1), nefariumque propositum, "Eradicam eum" (2); nec sane quidquam tam vehementi impetu complures urgent, quam ut ex civili atque adeoque ex humana omni consortione pulsum segregent Deum. Quo consceleratae dementiae, quamquam usqueque aquenon proceditur, miserabile tamen est, quam multos tenet oblivio divinae Maiestatis beneficiorumque eius, praesertim a Christo salutis. Iamvero, ut sanctam vel nequitiam vel sordem arciat, oportet auctior communis pietatis ardor incultu Sacrificii Eucharistici; quo nihil Deo honorabilius, nihil iucundius potest. Nam divina est, quae immolatur hostia; per ipsam igitur tantum augustae Trinitati tribuimus honoris, quantum dignitas eius immensa postulat; infinitum quoque et pretio et suavitate munus exhibemus Patri, Unigenitum suum; eo fit ut benignitati eius non modo agamus gratiam, sed plane referamus. — Duplicemque alium ex hoc Sacrificio insignem fructum licet et necesse est colligere. Maeret animus reputando, quae flagitiorum colluvies, neglecto, ut diximus, contemptoque Dei numine, usqueque inundaverit. Omnino humanum genus magnam partem videtur caelum iram devocare; quamquam ipsa illa quae insidet, malarum rerum seges, continet iustae animadversionis maturitatem. Excitanda igitur in hoc etiam pia fidelium contentio, ut et vindicem scelerum placare Deum, et auxiliorum eius opportunitatem calamitoso saeculo conciliare studeant. Haec autem videant maxime huius ope Sacrificii esse quaerenda. Nam divina est iustitia rationibus satis cum (1) Luc. XIX, 14. (2) Ier. XI, 19.

[*Latin ed. p. 653*]

ENCYCLICAL LETTER 655, and so that they may obtain great graces, men can, through the power of Christ's death, alone. But Christ willed that this very power, whether for expiation or for supplication, should remain wholly in the Eucharist, which is not a bare and empty commemoration of the very death, but a true and wondrous, although bloodless and mystical, renewal. Furthermore, we are greatly gladdened, for we desire to declare that, in recent years, the hearts of the faithful seem to have begun to renew their love and obedience towards the Sacrament of the Eucharist, which, indeed, gives us hope for better times. Many and varied are the causes, as we said at the beginning, that have spurred this piety, whether it be through the splendor of Eucharistic rituals, or through the frequent veneration of the august Sacrament day and night, or through the removal of injuries and affronts to it. However, Venerable Brothers, we are not permitted, nor

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are you, to rest content with this; for much remains to be accomplished and undertaken, so that this most divine work, among those who dwell in the Christian religion, may shine more brightly and be held in greater honor, so that both the mystery and the most worthy veneration may be cultivated. Therefore, let the works undertaken be urged forward with greater zeal; let ancient institutions be restored, such as the Eucharistic sodalities, supplications to the august Sacrament for adoration, solemn processions around it, pious greetings to the divine tabernacle, and other similar, sacred, and salutary things; let all things be undertaken that prudence and piety suggest. But above all, it is necessary to strive that the frequent use of the Eucharist may revive widely among Catholic peoples. This is shown by the examples of the nascent Church, which we have mentioned above, by the decrees of the Councils, by the authority of the Fathers, and by the most holy men of all ages; for just as the body often needs its food, so the soul is nourished most vitally by the sacred Eucharist. Therefore, let the opinions of adversaries be refuted, let the empty fears of many be dispelled, let specious excuses for abstinence be removed; for this is the thing that is most useful to the faithful people for redeeming time from the anxieties of worldly affairs, and for restoring their spirits to the Christian life and constantly maintaining it. Here, the exhortations and examples of the most eminent Orders will be of great importance, but above all, the zeal and industry of the clergy. For the priests, to whom Christ the Redeemer has given—

[*Latin ed. p. 654*]

65. EPISTOLA ENCYCLICA: Cum munus ad perficiendum et dispensandum mysterium Sanguinis Suae tradiderit, nihil melius pro summa honore rependere possunt, quam ut ipsius Eucharistiam gloriam omni opere promoveant, et, sacratissimi Cordis eius obsequentes, animas hominum ad salutiferos fontes Sacramenti et Sacrificii tanti invitant et trahant. Ita fiat, quod vehementer cupimus, ut praecellentes fructus Eucharistiae quotidie uberiores proveniant, fide, spe, caritate, et omni virtute christiana feliciter crescentes; et hoc in sanationem atque emolumentum rei quoque publicae: fiat, ut providentissimae Dei caritatis magisque luceant consilia, quae tale mysterium pro mundi vita constituerunt perpetuum. Quarum rerum erecti spe, Venerabiles Fratres, auspiciis munerum divinorum caritatis Nostrae testem, Apostolicam benedictionem et singulis vobis et vestro cuiusque clero ac populo peramanter impertimus. Datum Romae apud Sanctum Petrum, die xxvni Maii, in praeludiosolemnitatis Corporis Christi, anno MDCCCCII, Pontificatus Nostri vicesimo quinto. LEO P. P. XIII.

• EX ACTIS CONSISTORIALIBUS: SSmus die 9 Iunii 1902 publicum habuit Consistorium ut pileum rubrum traderet Emis Cardinalibus Martinelli, Skrbenski et Puzyna; creatis et publicatis in Consistorio diei 15 Aprilis 1901. Deinde habuit sequentem Allocutionem: Venerabiles Fratres,

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Volvitur Nobis annus per intermixta magnis curis et temporiva solatia. Nam si labores, si sollicitudines circumstant, at certe patrocinii tutelaeque caelestis non modo testimonium Nobis, sed quoddam quasi pignus haec est tam insueta Pontificatus maximi, in summa praesertim senectute, prorogatio. Insigne admodum ac memorabile beneficium; de quo gratia quidem providentissimo auctori Deo propter id habenda maior, quod...

[*Latin ed. p. 655*]

FROM THE CONSISTORY ACTS; 655, a private matter has come to light, which is connected with the honor of Our name. For what do those who finally congratulate and salute Us with such effusion throughout the entire month of [the fourth month]? Certainly, these things pertain more to Us privately. For citizens and foreigners alike strive to show their obedience concerning Our person, but with their minds and eyes fixed on the power of the Vicar of Christ, they embrace this authority most fervently, and they hold this honor in high esteem. Therefore, these studies and expressions, whether private or public, delight Us greatly, and such affection of souls is to be commended and praised more than ever. Indeed, when examples of wickedness are so powerful, and when the enemies of the ancient religion strive with such pernicious arts to undermine it, it is not to be scorned to proclaim the Christian sentiment in the light of citizenship, and openly and freely to declare devotion to the Apostolic See; and indeed, one may not inappropriately draw hope and, as it were, an omen from this of a greater future salvation.

But among these pleasant memories, a more grievous matter arises, and that from close at hand. It is easily perceived how prayer is diverted. Surrounded by inconveniences for the Pontiff, and with those inconveniences varying and harsh, often, as it happens, we have lamented this very thing. Today, we announce without interruption a growing and increasingly bitter concern, namely, that with it is linked the eternal salvation of many; namely, the manifold excesses of public impiety or, as they are called, entertainments in the City. We touch upon a matter that is scarcely known. In this very place, where the institutions of the Catholic name were originally established by divine providence, one can see the ruin of the Catholic name spreading unpunished, and the most grievous desires; and at the same time, those who hold a higher position in the republic are captured by oblivion or boredom concerning Christian institutions. Hence, as if about to acquire something great, they fall back into the miserable antiquity, which has been repelled by the benefit of Christ the Redeemer; and, with indications that are not a few, and with doubts, they seek to, and as much as is in them, they try to alter the character of the City, and gradually to restore the customs, rites, and affections of the pagans. But God, the best and greatest, will defend His city; meanwhile, the Roman people enter into the divine faith, for whose safety so many labors and blood have been shed, and a

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most deplorable daily spectacle is left behind. Here, near Us, are the seeds of corruption.

[*Latin ed. p. 656*]

656 FROM THE CONSISTORY ACTS, more abundant contagions of heresy: a looser license is granted to popular preachers against the most august dogmas; and impious blasphemies, with no shame or boldness, are displayed. In theaters, in schools, in streets, in passageways, wherever one sets foot, one sees a more than sufficient distinction made between piety and popular opinion, and one witnesses injuries and insults to the most holy things. But even in this city, those who ought to show due reverence to religion, are, for the most part, safe in their own persons. In this situation, therefore, let each one consider what is most dangerous: not to be asleep to the peril, but to have a dull mind. Indeed, we know the Roman city, and we are not ignorant that many are vigilant and abhor all that is contrary to religion, and that they will not easily allow anything to be taken away from them concerning their faith. But even with such vigilance, no strength can be so great that it does not require a greater effort in proportion to the magnitude of the danger. As for our part, we certainly act first and foremost, and in this, with great care and labor, we watch over, so that the supreme good, which is Catholic wisdom, may be imparted to the most religious people of Rome. And in this matter, we are certain that your counsel and prudence, venerable brothers, and the work and zeal of the urban clergy, will never fail us. Furthermore, in the first place and above all, we trust in the benevolence and patronage of the Almighty God, who chose this city from all eternity, to whom He once entrusted the most excellent and salutary gifts. Finally, the following churches are presented: The Cathedral Church of Tiraspol is vacant, through the voluntary and willing resignation of the Reverend Father Antonii Zerr, now in the hands of the HOLY SEE, having been admitted with the favor of the Reverend Father Eduardi De Ropp, a priest of the diocese of Samogitia. The Cathedral Church of Lamacen is vacant, through the death of the Most Reverend Antonii Thomae da Silva Leitao e Castro, the last bishop of that see, who died outside the Roman curia, with the favor of the Reverend Father Francisci Iosephi Ribeiro de Vieira and Brito, Bishop of Angra. The Cathedral Church of Lamacen is transferred, with the benevolence of the HOLY SEE, through Apostolic Letters in the form of a Brief, for presentation to the Most Serene Charles I, King of Portugal and the Algarves, the Faithful. The Cathedral Church of Urgellen is vacant, through the death of the Most Reverend Raymundi Riu et Cabanas, the last bishop of that see, who died outside the Roman curia, with the favor of the Reverend Father Ioannis Iosephi Laguarda et Fenollera, titular Bishop of Titopolitan, to the same Urgellen. The Church is transferred, with the benevolence of the HOLY SEE, for presentation to the Most Serene

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Queen Catholica, Regent. The titular Archiepiscopal Church of Gortyna is certainly vacant, with the favor of the Reverend Father Francisci Trotta, Bishop of Aprutium, to the same Church of Gortyna.

[*Latin ed. p. 657*]

FROM THE CONSISTORY ACTS: 657. By the benevolence of HIS HOLINESS, promotions were made through Apostolic Letters in the form of a Brief. The Cathedral Church of Antioch in the Republic of Colombia is vacant, due to the resignation of Reverend Father Francis Mary John Nepomucene Rueda, and due to the death of the Reverend Monsignor Joseph Mary Villalba, the last Bishop outside the Roman Curia, with the favor of Reverend Father Emmanuel Anthony Lopez de Mesa, a priest of the diocese of Medellin, to the same See of Antioch, through Apostolic Letters in the form of a Brief, by the benevolence of HIS HOLINESS. The titular Archiepiscopal Church of Stauropolis is vacant, due to the death of the Reverend Monsignor Alexander de Risio, the last Archbishop outside the Roman Curia, with the favor of Reverend Father Aurelius Zonghi, Bishop of Aesin, to the same Church of Stauropolis, by the benevolence of HIS HOLINESS, through Apostolic Letters in the form of a Brief. The titular Episcopal Church of Arethusa, under the Archbishop of Apamea, is vacant, due to the transfer of Reverend Father Anthony Joseph Gomes Cardoso to the Cathedral See of Angola and Cunga, with the favor of Reverend Father Sigismund de Ow-Felldorf, a priest of the diocese of Ratisbon, to the same Church of Arethusa, by the benevolence of HIS HOLINESS, through Apostolic Letters in the form of a Brief, and the Reverend Father Ignatius de Senestrey, Bishop of Ratisbon, is appointed as an Auxiliary Bishop, with his consent and willingness, to perform pontifical and pastoral duties in that city and diocese, for the good and fruitfulness of the Lord. The Cathedral Church of St. Peter in the Brazilian Republic is vacant, due to the transfer of Reverend Father Francis do Rego Maia to the Cathedral See of Belem of Para, with the favor of Reverend Father John Francis Braga, a priest of the diocese of St. Peter of Fluminis Grandis. The Church of Chihuahua in the Republic of Mexico in North America is vacant, due to the promotion of Reverend Father Joseph of Jesus Ortiz to the Metropolitan See of Guadalajara, with the favor of Reverend Father Nicholas Perez Galivan, a priest of Durango. The Cathedral Churches of Trieste and Iustinopolis, perpetually and canonically united, are vacant, due to the death of the Reverend Monsignor Andrea Sterk, the last Bishop outside the Roman Curia, with the favor of Reverend Father Francis Nagl, a priest of the diocese of St. Hippolytus, to promote him to the same Churches, by the benevolence of HIS HOLINESS, and by the granting of an Apostolic Indult, by the Most Sacred Emperor Francis Joseph I of Austria, King of Bohemia and Hungary. The Cathedral Church of Comayagua in the Republic of Honduras in Central America is vacant, due to the death of the Reverend Monsignor

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Emmanuel Francis Velez, the last Bishop outside the Roman Curia, with the favor of Reverend Father Joseph Mary Martinez Cabanas, a priest of the diocese of Comayagua, to the same See, by the benevolence of HIS HOLINESS, through Apostolic Letters in the form of a Brief. The Cathedral Church of Uladislaus or Kalisz is vacant, due to the resignation of Reverend Father Alexander Casimir Beresniewicz, freely and willingly tendered and accepted by the aforementioned HOLINESS. With the favor of Reverend Father Stanislaw Casimir Zdzitowiecki, a priest of the diocese of Uladislaus or Kalisz. The Cathedral Church of Caiacen or Calatin is vacant, due to the death of the Reverend Monsignor Felix De Siena, the last Bishop, outside the Roman Curia, with the favor of Reverend Father Frederick De Martino, a priest of the archdiocese of Sorrento. Acts, Volume XXXIV, page CDVII, 42.

[*Latin ed. p. 658*]

658 FROM THE CONSISTORY ACTS: The Cathedral Church of Bobbio is vacant, due to the death of the Most Reverend John Baptist Porrati, the last Bishop of that See who died outside the Roman Curia, with the favor of the Reverend Father Paschal Morganti, a priest of the Archdiocese of Milan. The Cathedral Churches of Macerata and Tolentino are perpetually and canonically united and are vacant, due to the translation of the Reverend Father John Baptist Ricci to the Cathedral See of Ascoli, with the favor of the Reverend Father Rainerius Sarnari, Bishop of Ripari, who translated him to these united Churches through the benevolence of HIS HOLINESS. The Cathedral Church of Ascoli is vacant, due to the promotion of the Reverend Father Aurelius Zonghi to the titular Archiepiscopal Church of Stauropolis, with the favor of the Reverend Father John Baptist Ricci, Bishop of Macerata and Tolentino. The Cathedral Church of Aprutium is vacant, due to the promotion of the Reverend Father Francis Trotta to the titular Archiepiscopal Church of Gortyna, with the favor of the Reverend Father Alexander Beniamin Zanecchia-Ginnetti, of the Order of Discalced Carmelites, a priest of the Diocese of Tusculum. The Cathedral Church of Angra is vacant, due to the translation of the Reverend Father Francis Joseph Ribeiro de Vieira to the Cathedral See of Lamego, with the favor of the Reverend Father Joseph Emmanuel de Carvalho, Bishop of Macao, who translated him to the same Church of Angra through the benevolence of HIS HOLINESS, upon the presentation of the Most Serene King Charles of Portugal and the Algarves, the Faithful. The Cathedral Church of Tlascala, or Angelopolis, in the region of Mexico, is vacant, due to the death of the Most Reverend Joseph Perfect Amezquita, the last Bishop of that See who died outside the Roman Curia, with the favor of the Reverend Father Joseph Raymond Ibarra, Bishop of Chilapa. The titular Archiepiscopal Church of Oxyrhynchus is vacant, due to the succession of the Reverend Father John Joseph Kain to the Metropolitan See of St. Louis, with the favor of the Reverend Father

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Dominic Mary Valensise, Bishop of Lamezia Terme. The Cathedral Church of Minorca is vacant, due to the translation of the Reverend Father Salvator Castello te and Pinazo to the Cathedral See of Jaén, with the favor of the Reverend Father John Torres and Rivas, a priest of Ibus. The Cathedral Church of Ripari is vacant, due to the translation of the Reverend Father Rainerius Sarnari to the united Cathedral Churches of Macerata and Tolentino, with the favor of the Reverend Father Aloysius Boschi, a priest of the Archdiocese of Fermo. The Metropolitan Church of Benevento is vacant, due to the death of the Most Reverend Donatus Mary, of the Sacred Roman Church, while he lived, the Reverend Cardinal dell'Olio, the last Archbishop of that See who died outside the Roman Curia, with the favor of the Reverend Father Benedict Bonazzi, Abbot of Cava de' Tirreni. The titular Episcopal Church of Caesarea in Mauritania is vacant, due to the promotion of the Reverend Father Blaise Pisani to the titular Archiepiscopal Church of Naupactus, with the favor of the Reverend Father Peter Maffi, a priest of the Diocese of Pavia. The Metropolitan Church of Ravenna is vacant, due to the death of the Most Reverend Augustine, of the Sacred Roman Church, while he lived, the Reverend Cardinal Riboldi, the last Archbishop of that See who died outside the Roman Curia, with the favor of the Reverend Father Guidon Mary Conforti, a priest of the Diocese of Parma. The Cathedral Church of Augsburg is vacant, due to the death of the Most Reverend Peter Hoetzl, the last Bishop of that See who died outside the Roman Curia, with the favor of the Reverend Father Maximilian Lingg, a priest of the Diocese of Augsburg. The Cathedral Church of Chiapa in the Republic of Mexico is vacant, due to the death of the Most Reverend Michel Mariani-Luque, the last Bishop of that See who died outside the Roman Curia, with the favor of the Reverend Father Francis Orozco Iimenez, a priest of Zamora.

[*Latin ed. p. 659*]

FROM THE CONSISTORY ACTS 659: The titular episcopal see of Thermen, under the Archbishop of Caesarea, is vacant, due to the death of the Most Reverend Aloysius Canestrari, the last bishop of that see, who died near the Roman curia. By the favor of the Most Reverend Michael Lucibello, a priest of Amalfi, he is to be promoted and appointed as an Auxiliary Bishop to the titular episcopal see of Capitolium, under the Archbishop of Scythopolis, which is vacant due to the death of the Most Reverend Paschalis Appodia, the last bishop of that see, who died outside the Roman curia. By the favor of the Reverend John Festa, a priest of Avellino, he is to be promoted and appointed as an Auxiliary Bishop to the Most Reverend Raphael Morisciano, Bishop of Squillace. The church of Aguascalientes in the Republic of Mexico, which was elevated to the status of a cathedral by a decree of the Holy See issued on August 27, 1899, and which has been vacant since its original establishment, is to be filled by the favor of the Most

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Reverend Joseph Mary of Jesus, Bishop of Saltillo. The metropolitan church of Gorizia, also known as Gradisca, is vacant due to the death of the Most Reverend James, formerly a Cardinal Priest, who was the last Archbishop of that see, and who died outside the Roman curia. By the favor of the Most Reverend Andrea Jordan, a priest of Gorizia, he is to be appointed. The titular episcopal see of Eudoxiaden, under the Archbishop of Pessinuntio, is vacant due to the translation of the Most Reverend Francis of Costanzo to the cathedral church of Monopolis. By the favor of the Reverend Anthony Di Tommaso, a priest of the diocese of Sullicion, he is to be appointed. The cathedral church of Monopolis is vacant due to the promotion of the Most Reverend Francis d'Albore to the titular archiepiscopal see of Pompeiopolis. By the favor of the Most Reverend Francis of Costanzo, the titular Bishop of Eudoxiaden, he is to be appointed. The cathedral church of Lycia is vacant due to the death of the Most Reverend Evangelista Di Milia, the last bishop of that see, who died outside the Roman curia. By the favor of the Reverend January Trama, a priest of Naples, he is to be appointed. The cathedral church of Macao is vacant due to the translation of the Most Reverend Joseph Emmanuel de Carvalho to the cathedral see of Angra. By the favor of the Reverend John Paulinus de Azevedo e Castro, a priest of the diocese of Angra, he is to be appointed. The cathedral church of Carcassonne is vacant due to the death of the Most Reverend Felix Arsenius Billard, the last bishop of that see, who died outside the Roman curia. By the favor of the Reverend Paul Felix Beuvain de Beauséjour, a priest of the archdiocese of Besançon, he is to be appointed. The cathedral church of Annecy is vacant due to the death of the Most Reverend Aloysius Isoard, the last bishop of that see, who died outside the Roman curia. By the favor of the Reverend Lucian Campistron, a priest of the archdiocese of Aux, he is to be appointed.

[*Latin ed. p. 660*]

660 FROM THE HOLY CONGREGATION OF THE COUNCIL OF PARIS. REGARDING THE NULLITY OF MARRIAGE. Dated April 26, 1902. Session 24, Chapter 1, Concerning the Validity of Marriage. Joachim, from Brazil, together with his wife and daughter, Anne, who was born in the city of St. Paul, came to France on October 15, 1875. He was received into the home of his father-in-law, named Martin, who himself had emigrated from Brazil to France, and resided in the village of Pointis-Inard, in the diocese of Toulouse. After five or six months, the d'Oliveira family went to the town of Estadens, and resided in a house which they purchased, until the year 1879, when Joachim and his wife returned to Brazil in order to manage their paternal inheritance, and there, after a short time, both died. Anne's guardianship was assigned by will to her uncle, who resided in Brazil, where Anne's affairs were located. It should be noted here that Anne had entered the monastery of the Religious Nuns of the Feuillants,

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near Toulouse, from October 1876, and remained there until her marriage, except during the Easter and autumn holidays, during which times she usually stayed with her parents in Estadens, and later with her maternal grandmother in Pointis-Inard. Such were the circumstances when Anne, who was 16 years old, was asked to marry Hadrian Condere, who was then 24 years old and resided in the parish of Gaillac (Tarn). A few months later, after the civil marriage ceremony, and after the banns had been published for the man, according to the *COMPENDIUM FACTI*.

[*Latin ed. p. 661*]

PARIS. 661 Saint-Pierre de Gaillac, concerning a woman from Pointis-Inard, the marriage was celebrated on December 1, 1883, before the parish priest of the Church of Pointis-Inard, and it appears that no delegation was requested or obtained, either from the parish priest of Gaillac or from the parish priest of Toulouse. After the marriage was celebrated, and after having two children, the woman, due to the unworthy way of life of her husband, sought a judicial separation, and subsequently, after first consulting ecclesiastical authority, she requested a divorce. Having obtained a favorable divorce decree on May 7, 1896, and afterwards being informed of the vice of clandestine marriage, she sent a petition to the Archbishop of Paris, vehemently asserting the nullity of the supposed marriage. The Parisian Tribunal, except for the prayers of the Advocate, and following the established procedure, conducted the proceedings, and after all was properly carried out, by decree of December 27, 1901, declared the marriage of d'Oliveira-Couderc null, due to a defect in form according to the Council of Trent. However, the Defender of the Bond of Paris appealed against this decree to the Sacred Congregation. Today, this cause is presented before your wise judgment for determination. Synopsis of the Argument. DEFENSE OF THE WOMAN. The woman's advocate argued that the parish priest of Pointis-Inard was not the proper parish priest of either of the spouses according to the procedures of the Council of Trent. But before proceeding to direct proof, he inquired, "Should the proper parish priest of either spouse have been present at the marriage by chance, or another priest from his order by delegation?" Furthermore, the question of delegation arises when someone doubts their own jurisdiction. Indeed, the parish priest of Pointis-Inard, who did not doubt his own jurisdiction, requested no delegation. This is evident from the written marriage record drawn up by him. In this record, which is found in the proceedings, Anne is declared to be his parishioner. This, the advocate continues, is sufficient to exclude any supposition of a delegation. And indeed, neither the current parish priest of Pointis, nor Pa-

[*Latin ed. p. 662*]

662 FROM the records of the Council, Roch d'Estadens, nor any priest,

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nor any other person, speaks of a delegation. Therefore, any delegation whatsoever must be entirely excluded. For no delegation was requested by anyone, nor was it granted by anyone. On the other hand, the accuser observes, that no other priest was present at the marriage besides the parish priest of Pointis-Inard; therefore, it is useless to inquire whether the spouses perhaps gave their consent in the presence of some competent priest. In the first place, no priest from Gaillac, nor from Agen, nor the proper parish priest of Hadrian was present. Furthermore, no priest from Toulouse was present; nor was the parish priest of the parish where the monastery of Saint-Maur des Feuillants is located present. Indeed, no priest was present. And, in truth, the witness, when questioned by the judge, responded: "If there were priests present at the marriage, which I do not believe, certainly, neither the parish priest of Gaillac, nor the parish priest of the other parish of Mr. Cudere (his paternal home), nor the chaplain of my convent were present." For his part, Hadrian swears: "The marriage was blessed by Mr. the parish priest of Pointis; there were about ten priests from neighboring parishes present, but neither the parish priest of Gaillac, nor of Toulouse, nor of Agen were there!" And then, says the advocate, it matters nothing to us, if ten or twelve priests from neighboring parishes, as Hadrian claims, were present. Moreover, the current parish priest of Pointis, in letters sent to the Archdeacon of Toulouse, writes: "To the question that you have posed, concerning whether any priest, other than Mr. the parish priest of Pointis-Inard, was present at the marriage of Mr. Couderc and Miss d'Oliveira, I have the honor to reply that the marriage certificate does not mention any such priest, and according to the information I have obtained, there was none." Therefore, the orator argues, if no competent priest was present, and if no delegation was requested, the entire matter is reduced to the jurisdiction of the parish priest of Pointis-Inard. But, he insists, this parish priest was not competent, because he was not the proper parish priest of either of the spouses, and the proper parish priest.

[*Latin ed. p. 663*]

PARISIAN. 663 was not, because neither Hadrian nor Anne had a dwelling, or quasi-dwelling, in that parish. As for Hadrian, the matter is evident. Concerning Anne, the advocate argues that she, likewise, had neither a dwelling nor a quasi-dwelling in the parish of Pointis-Inard. The actress, the advocate proves, did not have a dwelling in the parish of Pointis-Inard. "It is established and proven in law," the advocate says, "that minor children can have no dwelling other than that of their father, or mother, or finally, their guardian." This principle has been commonly accepted by the laws of the ancients and of our own time. And the reason is clear. For minor children constitute one and the same family with their parents, and therefore have the same dwellings, the same hearths. But the

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dwelling of a ward with his guardian is nothing other than an extension and imitation of the dwelling of that same ward with his parents. For the guardian succeeds to the father's power, perfects the person of the ward, protects and defends him. "For a guardian," as Servius defined it, "is a right and power conferred by civil law over a free person, in order to protect him who, because of his age, cannot defend himself." And guardians are called guardians because they possess that force and power from which the very name originates. "Therefore, they are called guardians, as if guardians and defenders." Therefore, the advocate argues, just as a son has a dwelling in the family of his father, so too does a ward have a dwelling in the family of his guardian. Hence, it is clear, the advocate says, that minor children and wards cannot have a proper dwelling unless they are emancipated. For if a minor or ward is emancipated, he becomes sui juris, and therefore can acquire a proper dwelling, provided that the necessary conditions for acquiring it are met. But, the advocate insists, if the father, mother, or guardian must necessarily reside in a certain parish, it follows that they (and with them, the minor children or wards) have a dwelling in that parish in which they reside, provided that they have the intention of remaining there permanently. Therefore, a dwelling is canonically defined as "habitation."

[*Latin ed. p. 664*]

664 FROM St. C. CONCILII: "In a parish, one should remain there with the intention of permanently residing there, unless something else calls one away." However, the advocate believes it is unnecessary to point out that minors under guardianship (and with guardianship as their domicile) cannot lack a domicile. For when a tutor is not designated by the parents, he is appointed by the law. For this reason, guardianship is said to be "granted and permitted by civil law." Furthermore, the orator says that the domicile of minors is called necessary, whether it be with their parents or with their guardian, because nothing else can take its place, until the minor is emancipated from parental authority or guardianship; and this requires no proof, because it is established by law, and is therefore also called legal, or of the law. These principles are certain, and, according to the advocate, admit of no controversy. Thus, d'Annibale: "The wife follows the domicile of her husband, the son follows the domicile of the family under whose authority he is, and he who is under the guardianship of a tutor follows the domicile of the tutor." Cf. Gasparri, De matrim., n. 925; Laurin, Tract, de domicilio: "Indeed, minor sons and daughters have a necessary or legal domicile in the paternal or maternal home." Cf. I. 4-, Dig. De his qui sui 1, 6; Instr. Card. Rauscher, § 41 etc.; Instr. Austriaca: "The wife follows where the husband is, the minor children follow where the parents are, the guardian follows where the true domicile is." From what has been said so far, the advocate continues, as if from a flowing stream, that Anne

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previously had her domicile, like all minors, with her father (or, in Brazil, it is of little consequence where the parents are), and that throughout the entire period in which she lived under his parental authority. Upon the father's death, the parental authority passed to the mother by the very fact of his death, which, however, does not change the nature of the domicile, because the wife has the domicile of her husband. Upon the mother's death, the parental authority passed to the guardian, and with parental authority, the domicile of the minor. If, however, the guardian was living in Brazil, which cannot be doubted, it necessarily follows that the domicile of Anne, upon the death of her parents, was in Brazil, with her uncle.

[*Latin ed. p. 665*]

PARISIAN. 665 In order that Anne might have a domicile with her maternal grandfather, at Orense, it was necessary, the advocate stated, that she should have acquired such a domicile through a personal act, with prior emancipation. Indeed, not only is there no mention of this emancipation, but emancipation is entirely excluded, the advocate observes, because Anne requested permission from her guardian to contract a civil marriage. Therefore, he argues, since she was not emancipated, even if she had wished to, she could not have had a domicile with her maternal grandfather. Consequently, he concludes, not only did Anne not have a domicile with her maternal grandfather, but she could not even have had one. This matter, he continues, is so evident that we would be wasting our time by insisting on it further, or by adducing evidence from which it is more clearly demonstrated that Anne's guardian had a domicile in Brazil. The advocate does not speak of a domicile of origin, nor of a domicile of fact. Not of the former: for, he himself says, this is in our favor. Not of the latter, that is, of a domicile of fact, or of habitation, as some say. For, since minors are subject to the will of their parents and guardian, they cannot have a domicile separate from them, because they cannot have a settled intention of remaining permanently in any place. Therefore, the domicile of fact, with regard to minors, reverts, according to the advocate, to a quasi-domicile, if more than half a year has passed. But Anne, the advocate insists, not only, as a minor, did not have a domicile of fact or habitation at Pointis-Inard, but she could not have had one. Indeed, although she may have stayed there at the time of the marriage, she could not have had the intention of remaining there permanently. For Anne knew well, upon contracting the marriage, that she would be migrating to other regions with her husband. But furthermore, the advocate says, Anne did not have a quasi-domicile in the parish of Pointis-Inard. And indeed, he says, a quasi-domicile is defined as "habitation in a parish with the intention of remaining there for more

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than a year."

[*Latin ed. p. 666*]

666 FROM THE HOLY GENERAL COUNCIL, or a portion thereof, of recent years." This notion, says Gasparri, was more widely accepted, and was certainly established by the letter of the Sacred Congregation of the Holy Office of June 7, 1867, addressed to the Bishops of England and the United States of America. Regarding matter No. 916. From this definition, it is derived that a quasi-domicile, not unlike a true domicile, is acquired by two elements: namely, by actual residence in the parish, and by the intention of remaining there for the greater part of the year. Neither one alone is sufficient, but when both concur, a quasi-domicile is immediately acquired, as the aforementioned instruction of the Sacred Congregation of the Holy Office states: "From the very first day in which these two things concur, namely, such an intention and actual residence, it must be considered that a quasi-domicile has been acquired." The intention of remaining, the advocate continues, is primarily gathered from the reason for the residence, from which, in many cases, it is clearly evident whether one must remain in a certain place for the greater part of the year, or only temporarily. Indeed, the speaker says, young girls who enter boarding schools for educational purposes acquire a quasi-domicile there immediately, because the residence in these educational institutions lasts for nine or ten months, or for the greater part of the year. But they do not acquire a true domicile there, because they do not have the intention of remaining there permanently. Therefore, Anne, having been received into the boarding school of the Sisters of Monials of Saint-Maur, immediately acquired a quasi-domicile there. And since she was to remain there for several years, that is, until she completed her course of studies, this quasi-domicile was perpetuated by itself, and was not interrupted in any way during the holidays. Indeed, in order to acquire a true domicile in Pointis-Inard, according to the advocate, it was necessary for Anne to satisfy two conditions required by law: namely, that she should reside there, and that she should have the intention of remaining there for the greater part of the year. During those years that preceded the marriage, the speaker says, this intention was absolutely impossible. This is evident, for the young girl was with her grandfather during the holidays;

[*Latin ed. p. 667*]

PARISIAN. 667. When, however, the holidays extend for two or three months, she could not possibly have intended to remain there for a greater part of the year. Therefore, it is clear that Anne could not have considered Pointis as her domicile, up to the year of her marriage. But, the advocate argues, the actress did not acquire Pointis as her domicile in the year in which she contracted her marriage there, because she did not intend, nor

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could she have intended, to remain there for a greater part of the year. Indeed, even putting aside the question of whether Anne, after the autumn holidays, ought to have returned to the Conservatoire, if the marriage negotiations had failed, since in fact Anne did not request to return to the Conservatoire, but remained with her maternal grandmother at Pointis, for this reason, it is impossible to attribute any intention to Anne other than that of remaining there until the celebration of the wedding; this is a matter of common sense, which requires no demonstration. Moreover, the advocate continues, such an intention is not sufficient to establish a domicile, and this for two reasons. The first reason is that the intention of remaining until the celebration of the marriage has no connection with any specific length of time. Indeed, according to the proponent, the intention of remaining for a greater part of the year is inferred from the rule of *commoratio* (residence). Indeed, he argues, if it can be affirmed that a girl who enters the Conservatoire for the purpose of education immediately acquires a domicile there, because the school year, as a result of *commoratio*, extends for more than six months, it is impossible to affirm that a girl who remains in a certain place awaiting her wedding intends to remain there for a greater part of the year. On the contrary, according to the proponent, the opposite should be affirmed. And indeed, since the period of time that usually elapses between the agreement for a marriage and its celebration does not exceed two or three months, at most, it must be presumed, unless contrary proof is offered, that the intention was to remain there until the end, or on account of—

[*Latin ed. p. 668*]

668. From the decrees of the Sacred Council concerning the dispensation for celebrating marriage, it is excluded. However, in this case, the advocate argues, this is truer, because the maternal grandfather, the young woman, and undoubtedly Hadrian, although for different reasons, ardently desired to celebrate this marriage as quickly as possible. And the most evident proof arises from the fact that, despite the letters sent to Brazil and received from Brazil, barely two and a half months elapsed between the agreement for the marriage and its celebration. Another reason, the advocate continues, which must absolutely hold true in this case, consists in the fact that the intention of waiting for the marriage had no connection with the place where the waiting occurred; therefore, it could not induce any determination to remain there for the greater part of the year. Indeed, the intention required to establish a quasi-domicile evidently contains some connection between the place where one wishes to remain for the greater part of the year and the reason that determines one to go there. Hence, an intimate connection exists between the reason for which a student leaves his paternal home and the place to which he goes to complete his academic year. He remains where he can attend the university and pursue his studies, which

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is the reason he left his paternal home. But, the advocate says, the intention that we can alone admit in Anne, that is, to remain in Pointis until the marriage, has no connection with the place. She could have waited in any place; she would have achieved the same result. Therefore, the intention of celebrating the marriage cannot certainly be considered as establishing a quasi-domicile, either because it has no connection with the intention of remaining for the greater part of the year, or because it does not contain a direct connection with any particular place, rather the contrary must be affirmed. Therefore, it must be concluded, according to the advocate, that we must refer solely to the facts. Indeed, he continues, here the facts present themselves with the aspect of undeniable certainty. And certainly, the beginning of the stay in Pointis took place at the beginning of August, or after.

[*Latin ed. p. 669*]

PARIS. 669: The solemn distribution of prizes, and the beginning of the holidays; the end of the period of residence is determined by the celebration of the marriage, on the first of December, 1883. There are between one and four months between these two dates. Therefore, the speaker concludes, neither in the intention of remaining, nor in the fact of residence, is it possible to find a greater portion of the year, or a semester, necessary to establish a quasi-domicile. The principles thus far expounded, the speaker says, do not contradict the teaching of the Congregations, but rather confirm it. And indeed, if in the United States of America, a quasi-domicile can be acquired through a residence of one month in a parish, this is an exception that confirms the rule. "Particular law," says Gasparri in *De Matrimonio*, n. 216, "is in force in the United States of America; for the most recent Plenary Council of Baltimore requested, through the Reverend Father, via the Sacred Congregation for the Propagation of the Faith, that in the United States of America, those who move from one diocese to another, may obtain a quasi-domicile through a residence of at least one month. The Sacred Congregation for the Propagation of the Faith referred the request to the Sacred Congregation of the Holy Office, which on Thursday, May 6, 1886, decreed: 'To the supplication of the Baltimore Council, it is to be requested that His Holiness may deign to decide that in the United States of America, those who transfer from a place where the aforementioned canon [of Tametsi] is in force, to another place, provided that they have resided there continuously for at least one full month, and have proven their freedom of status, as is fitting, shall be considered to have a quasi-domicile there in order to contract marriage, without it being necessary to inquire into their intention of remaining there for a greater part of the year.' His Holiness, on Thursday, May 12, 1886, deigned to ratify and confirm the aforementioned decree of the Most Reverend Fathers with supreme authority, notwithstanding anything to the contrary." This, the speaker notes, concerns a particular law, consonant with the unique mobility of

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the populations of America. Regarding the city of Paris, the advocate continues, the Sacred Congregation of the Holy Office, on November 9, 1898, concerning a doubt raised by the official of the diocese...

[*Latin ed. p. 670*]

670 From the decree of the Sacred Congregation, concerning this matter, it was ordered that a response be given: "Those who come to the city of Paris from another place or parish, provided they have resided in some parish there for six months, are to be considered as having, in relation to marriage, a domicile there; however, an inquiry must be made as to their intention of remaining there for the greater part of the year, having given their word to the Most Holy." His Most Holy Lordship approved and confirmed this resolution on the 11th day of the same month and year. The aforementioned response of the Sacred Congregation, the advocate notes, confirms a general rule, since it established a privilege granted solely to the city of Paris, and, with the giving of one's word to the Most Holy, it signifies that common law has been superseded by this concession. However, the essential condition for acquiring a quasi-domicile in Paris, so that an inquiry may be made, is a residence of six months in some parish. In our case, the advocate states, Anne resided in Pointis-Inard (not in Paris) for only four months. Therefore, he concludes, the provisions of the Sacred Congregation cannot apply to her, neither because of the place, nor because of the duration of her residence. Furthermore, the defender argues, the presumption to which Pope Benedict XIV refers in his constitution *Paucis*, according to which a residence of one month can be sufficient to presume an intention of remaining for the greater part of the year, cannot be applied to our case. For, in addition to the fact that this presumption is only of law, it applies to those who, with a deliberate intention, leave their place of residence and move to another place, in order to be subject to the laws of that place and to contract marriage there, which they do not wish to contract in their own place of residence. But nothing of this kind occurred in our case, the advocate maintains; for Anne never intended to acquire, or not to acquire, a domicile or quasi-domicile for the purpose of contracting marriage. She did nothing to change her status or her residence, nor did she do anything in fraud of the law or of the parish. Therefore, the advocate argues, the presumption of Pope Benedict XIV does not apply in this case, because the circumstances are entirely different.

[*Latin ed. p. 671*]

PARIS. 671. Furthermore, notwithstanding such a decree of the Sacred Congregation of Councils, it has consistently held that a domicile is not acquired unless with the intention of remaining there for the greater part of the year; as can be seen in the Parisian judgment on Matrimony, dated December 14, 1899, in which no marriage was declared valid, although

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the woman had resided in Epinay for approximately four months during the year of the marriage. Moreover, the advocate deems it unnecessary to spend time interpreting the words used by certain witnesses concerning Anne's domicile with her maternal grandfather. Furthermore, he states that the words used by the witnesses are easily explained if the domicile is understood in the sense in which it is commonly used in familiar conversations. The judgment of the Parisian court speaks of the statutes of Toulouse; but, according to the advocate, such statutes are in no way relevant to the matter at hand, not only because, as the judgment states, they must be interpreted only according to common law, or because they apply only to those who have previously acquired a domicile in the diocese of Toulouse and have retained it, and not to those who have never had a domicile or quasi-domicile, or who have lost it; which is the case with the plaintiff; but also because their provisions are in no way applicable to our case. And indeed, these statutes, article 4, paragraph 377, state: "1° A domicile required for marriage is immediately acquired by a public and permanent residence. 2° Those who retain a domicile in a parish (diocese) and are temporarily present in another may contract marriage either before the parish priest of the domicile, or before the parish priest of the place where they actually reside, if they have resided there for at least one month." The first provision, the advocate states, is irrelevant to our case. As for the second, he observes that, according to this provision, those who retain a domicile in a parish and are temporarily present in another may contract marriage there if they have resided there for at least one month. And they may contract marriage there, because...

[*Latin ed. p. 672*]

672 From the decrees of the General Council, it is maintained that one can acquire a domicile in a place, even for a short time. For marriage cannot be contracted without a domicile, or quasi-domicile. Moreover, it follows that this provision, although erroneous and contrary to common law, does not apply, because one can have a domicile in one parish and a quasi-domicile in another. But, besides the fact that it does not correspond to the words of the statutes, it would be absurd, according to the advocate, if it were to be applied to our case. In truth, Anne did not have a domicile in the conservatory, because she did not have the intention of remaining there permanently, but rather a quasi-domicile; therefore, she could not acquire a quasi-domicile in another parish, or from Pointis through a one-month stay; for, as everyone knows, one cannot have two quasi-domiciles, but one can have a domicile in one place and a quasi-domicile in another (Gasparri, De matr. n. 916). Therefore, the statutes of Toulouse do not apply here, the advocate concludes. Furthermore, he argues that, notwithstanding these diocesan statutes, which are numerous in Gallus, the Sacred Congregation has always and consistently judged cases of nullity due to a defect in the

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Tridentine form, as can be seen in the Treasury of Resolutions. Finally, the advocate dismisses the question of whether Anne lost her quasi-domicile, which she had in the conservatory, in August of that year in which she entered into marriage with Hadrian. For, he says, since the present controversy is to be judged according to common law, and not according to diocesan statutes, it makes little difference whether Anne lost her quasi-domicile or not. In the first case, she remained under the jurisdiction of the parish priest of the domicile, in Brazil; in the other, under the jurisdiction of that parish priest, by reason of the domicile, and under the jurisdiction of the parish priest of the Conservatory, by reason of the quasi-domicile. Therefore, the parish priest of Pointis was never competent. Therefore, he concludes, since the validity of the marriage between Anne d'Oliveira and Hadrian cannot be established, neither by the ordinary parish priest nor by delegation, it must be declared null and void.

[*Latin ed. p. 673*]

PARIS. 673. The spouses were not present; nor was either of their respective parish priests present; and since the parish priest of Pointis-Inard was not present, because Anne did not have, nor could have, a domicile, neither legal nor actual, with her maternal grandfather, nor a quasi-domicile, since she never intended to reside there for more than a portion of the year, and in fact, she resided there for no more than four months; it follows that the marriage in question was invalid due to a defect in the form required by the Council of Trent, as declared by the Archdiocesan Court of Paris.

OBSERVATIONS OF THE DEFENDER OF THE MARRIAGE. The Defender of the Marriage, on the contrary, pointed out that Anne did not merely fail to prove that the marriage had been celebrated in accordance with the law; but that she presented clear and irrefutable arguments demonstrating that the most solemn Council of Trent had been fully satisfied in the celebration of the present marriage. Indeed, he said, the opposing party would not dare to deny that the maternal grandfather of Anne was the parish priest of the village of Pointis-Inard. The expert in law, Alphonsus Marseaux Delevigne, testified: "It was in Pointis-Inard that the grandfather (of Anne) always lived, both in summer and in winter; it was there that he had his house. The grandfather of Miss d'Oliveira, I repeat, was established in Pointis-Inard with his granddaughter for seven or eight years, at the time of the marriage." This was corroborated by Emmanuel de Bast-Brusley, Madame Roccas, and Father Boube, the parish priest of the place. Furthermore, the advocate stated, whatever may be said about Anne's quasi-domicile with the religious of Saint Maur des Feuillants, it is easily demonstrated that her true domicile, from the time of her parents' death to the celebration of the marriage, was with her maternal grandfather. For we do not know that Anne had any relatives closer to her than her maternal grandfather. And by law, the domicile of orphans

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is considered to be with their closest relatives. And indeed, the law states in the Code: "Orphans must be educated by no one more than by their mother, unless she is a stepmother."

[*Latin ed. p. 674*]

674 According to the decrees of the General Council, this matter must be entrusted to someone. However, if there is doubt between the relative and the guardian regarding this matter, the president of the province must be consulted, who, after examining the character of the individuals and their relationship, will determine where the child should be raised. Furthermore, if he deems that the child should be raised with a particular person, that person will be obligated to do what the president has ordered. Moreover, Law 2 of the same Code, title (therein), states: "It will be determined, considering the affection of each party, whether your granddaughter, through your daughter, should reside with you or with her paternal grandfather, and who is more likely to be suspected of seeking inheritance." Also, Law 1 of the same title. Therefore, the defender of the bond argues that, when inquiring about the domicile of the minor Anna, we must first consider what has been decided by those closest to her, not by the guardian, but by her maternal relatives, or her maternal grandfather; and what has been decreed by the praetor or the president of the province of Toulouse. For Anna resided in the province of Toulouse when she was orphaned by her parents; and her maternal grandfather resided in the province of Toulouse, being the closest relative, who has always shown Anna the most evident signs of affection, as is evident from the records. Indeed, Anna's parents resided in the province of Toulouse, specifically in the town of Estadens, since 1876. Certainly, the lawyer continues, all the signs of the intention to acquire a domicile, as stated in the decision of the Rota, No. 172, par. 3, part 8, recent, are the family's residence and the purchase of stable property. Indeed, Anna's father moved with his family to the aforementioned place of Estadens and purchased a house there. Moreover, Mary Rendu states: "Estadens, a property that Miss d'Oliveira inherited from her father." This is confirmed by Mrs. Roccas, Mrs. Bertranda Estrade, and Father Cortese, the former parish priest of the place. The lawyer insists that it is irrelevant that Anna's parents paid taxes in Brazil. For they returned there, not with the intention of remaining there, but only to settle a particular business, namely, the addition to the Pernes inheritance. Indeed, Anna herself testifies: "My parents remained there (in Estadens) until 1879, when my father and mother returned to Brazil to settle the..."

[*Latin ed. p. 675*]

PARIS. 675, the relinquishment of property by my paternal grandfather. They both died there within a year. "1879-1880." Therefore, according to the defender of the bond, all that is objected to concerning the domicile

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of the minor Anne in Brazil must be disregarded. And in fact, besides the fact that it is entirely untrue that Anne's parents left their twelve-year-old daughter in France if they intended to remain in Brazil; after the death of her parents, Anne would have immediately found her homeland, Brazil, if any remnant of her former Brazilian domicile remained. While speaking of the celebration of the marriage, the president of the municipality, as they say, did not permit the civil act, unheard of to the Brazilian consul. But Anne, as the defender of the sacrament, for the four years that elapsed between the death of her parents and the celebration of the marriage, did not even think of Brazil; nor did the president of the municipality think of the Brazilian consul when he performed the act which they call a civil marriage. And Anne, after the marriage, took her husband first to Gaillac, then to Estadens, then to Pointis-Inard, and finally to Paris, to establish her home. Regarding Brazil, Anne frankly confesses: "I did not return to Brazil, except after my marriage, in 1895, for a visit to my family." - Elsewhere: - "I made a three-month trip to Brazil to visit my guardian." From these last words, it is gathered, the orator notes, that Anne did not have in Brazil not only a domicile, but also relatives, if not closer relatives than her paternal guardian. Nevertheless, the most Reverend judge of Paris says: "Consider that the necessary domicile of a girl of greater age is with her father and mother, and, when they are deceased, it is transferred to her guardian, and therefore, in the case in question, the girl d'Oliveira had a necessary domicile in the State of Brazil after the death of her mother." But such an assertion by a Parisian judge is worthy of careful consideration, because, the orator says, it depends on it whether justice or injustice will prevail.

[*Latin ed. p. 676*]

676 From the decrees of the Holy Council concerning sentences against marriage, issued by itself. Therefore, the advocate requests that the will be examined, in which the grandfather states that the tutor of Anne was appointed by her father. And that will, it must be noted, states that the nullity of a marriage cannot be declared unless it is certain that the tutor, to whom the nullity of the marriage is attributed, was legitimately appointed. Furthermore, it must be considered whether it is established by a judicial decree that the tutor was indeed appointed at the proper time. Finally, it must be determined whether the grandfather appointed the tutor primarily for the person of the minor, or rather for the purpose of managing certain affairs, such as the paternal inheritance bequeathed by him, or perhaps properties located in Brazil, or other similar matters. For in law 15 and following, concerning testamentary guardianship, it is stated: "However, if a tutor is appointed for an African or Syrian affair, the appointment is valid. For we use this right." Something similar appears to have occurred in the present case, as the advocate states that a civil marriage was performed peacefully without the consent of the aforementioned grandfather,

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although the laws of France strictly prohibit such a civil marriage from being valid without the consent of the parents or those acting in their place; and this is the case with minors. However, it must not be assumed, he says, unless it is adequately demonstrated, that the president of the municipality ignored or dared to disregard the law, which is well known and communicated to barbers and others, and which imposes severe penalties on those who violate it. But let us suppose, continues the defender of the bond, that a tutor was appointed absolutely, not so much for the affairs as for the person of the minor Anne; nevertheless, it does not follow from this that the necessary domicile of the minor was transferred to the State of Brazil with the tutor. It is well known that guardianship and education are distinct, as the Rota states in decree 271, paragraph 9, joart. S recent. For guardians are appointed for minors by their fathers, even if they are strangers; but where the minors must reside, the president of the province decides after hearing those nearby, as is proven by law 1 Cod., Where the minor is, etc., and by law 2 C. ibid.: Whether a nephew.

[*Latin ed. p. 677*]

PARISIANS. 677 The Italian code (article 278) expresses this doctrine as follows: "The family council, should the guardianship not be exercised by the paternal or maternal grandfather, may decide on the place where the minor should be raised and on the education that is suitable for him, after having heard the minor himself, when he has reached the age of ten years." Furthermore, the fact that Anne has a greater affection for her maternal grandfather than for her paternal uncle is not only demonstrated by the bond of blood, but especially by eloquent actions. Indeed, the defender of the bond states that we know nothing of the benefits that the paternal uncle has conferred upon Anne, but regarding her maternal grandfather, Anne declares: "We settled in our own property at Estadens, which belonged to my grandfather." These words seem to suggest that the property in the town of Estadens, which passed into the ownership of Anne's parents, was not so much purchased as given. Furthermore, Anne's husband wrote to the Prefect of the Court of Appeal of Em, on February 23, 1902: "She (Anne) lived with her grandfather, who raised her, provided for her, married her, and provided her with a dowry." Therefore, the advocate points out, it must also be considered whether we are dealing with the case described by the Rota in decision 12, no. 1, part 9, which teaches: "It is permitted for a ward to choose a domicile in order to obtain a guardian in that place where he wishes to establish his domicile, provided that this act does not seem to be intended to the detriment of the ward, but rather to consider his benefit, since it is advantageous for him to have a guardian in several places, and this was also the case with Azzotus... and this is proven by a similar case, because just as a ward can be adopted without a guardian, and the occasion for said adoption provides the domicile of the adoptive

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father, so too it should be considered permissible for the ward to choose a domicile without the authority of the guardian." But what do the Parisian arbiters intend, the defender of the sacrament asks, when they place their emphasis on the words "domicile necessary - domicile de droit"? Is it not clear that in matters concerning the parish of someone, only the domicile of fact, or residence, should be considered?

[*Latin ed. p. 678*]

678 FROM THE DECREES OF THE COUNCIL. Two things are absolutely necessary for a domicile: the mind and the fact; if either is lacking, the domicile is wanting. Therefore, you may judge that the domicile of Anne d'Oliveira was transferred to a guardian at the time of her marriage, when it has been demonstrated to you that Anne, before she married, entered the house of her father, and that, upon her marriage, she retained the intention of remaining there. Indeed, even the domicile of Orense is not considered valid if the one about to be married withdraws from it. Regarding the matter of marriage, Sánchez writes, in *Disputationes*, 23, number 7: "It must be held that the parish priest of the place of origin is not considered the proper one for joining some in marriage. This is proven because, at Trent, in Session 34, chapter 1 concerning the reform of marriage, assistance from the proper parish priest is requested for the validity of the marriage; but that parish is said to be the proper one and diocese of someone, in which he has his domicile, and therefore, in the name of domicile, the domicile of origin is not considered, but the domicile of habitation. Secondly, because it is not the origin, but the habitation, that constitutes a parishioner, and thus a canonical portion, which is a certain right of the parish, is not given to the parish of origin, but to the parish of habitation." Lambertini, or Benedict XIV, in Instruction XXXIII, addressed to the clergy of Bologna, number 6, teaches: "The second [matter] among those resolved by the Holy Congregation, and in which the authors agree, is that in the matter of marriage, the proper parish priest is that of the domicile, and not that of the origin. In the matter of ordination, the proper ordinary is no less the one of the domicile than the one of the origin, leaving room for doubt as to whether this should also be said in the matter of marriage; in such a way that to assist at it, one must have as one's proper parish priest not only the one of the domicile, but also the one of the origin. But, having considered that, according to the obvious meaning of the words, the proper parish priest is understood to be that of the domicile, and that, when the sacred canons have wished to include under those words also the one of the origin, they have expressed it, as has happened in the matter of ordination, and has not happened in the matter of marriage, therefore..."

[*Latin ed. p. 679*]

PARIS. The year 679 supports the aforementioned common opinion,

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which holds that, in matters concerning marriage, the parish priest is that of the domicile, and not that of the origin. This opinion was embraced by the Sacred Congregation of the Council in a case from Mutìnen, on November 18, 1702, as can be seen in book 52 of the Decrees on page 403, and as can be seen in the vote of the ever-memorable Lord Cardinal Bandino Panciatici, Prefect at that time of the Sacred Congregation, in which he wisely maintained that the parish priest for the marriage should not be that of the origin, but that of the domicile.

"Having these things before our eyes," the speaker continues, "Anne d'Oliveira, who had not yet reached the age of ten, a native of Brazil, sought a domicile in the town of Estadens at the beginning of the year 1876, together with her parents, and the family established their home there. At the end of the year 1876, Anne, having been placed in the convent of the nuns of Saint-Maur des Feuillants, as if she had acquired a domicile there, nevertheless did not lose her domicile in Estadens, to which she returned during vacations, not so much with the intention of living there, but with the intention of staying with her family. In the year 1880, when Anne was orphaned by the death of her parents, she went to the aforementioned Martin, her maternal grandfather, either because he had been entrusted with the care of the girl by her parents, or because he was the closest relative of Anne, or because he was second to no one in his affection for the child, and it was fitting that he should provide for the education and residence of the orphaned girl. Consequently, it happened that, for the sake of her education, she remained in the convent; but for the sake of her domicile, it was not pleasing to the grandfather, nor to Anne, nor to any other relatives, that the educated girl should have a home in Estadens. But the love of the grandfather for his granddaughter, as well as the will and benefit of the granddaughter, were such that the girl transferred her home to the house of her maternal grandfather. And this was indeed the case; and Anne, after the death of her parents, returned to her maternal grandfather during the vacations, with the very same intention with which she had previously gone to Estadens to her parents."

[*Latin ed. p. 680*]

680 The most esteemed priest, Honoratus Boube, parish priest of the parish of Pointis-Inard, testifies concerning the matter at hand: "Regarding the actual residence of Miss d'Oliveira, the opinion in the parish is that she possessed a residence in Pointis-Inard, near her grandfather, who, in place of her deceased parents, was responsible for her upbringing, providing her with education and a dowry." And the prioress of the nuns of Saint Maur des Feuillants also testifies: "Regarding the actual residence, Miss d'Oliveira had been entrusted by her father and mother to her maternal grandfather, Mr. Martin." The actress herself, twisting her words, confesses: "For me, the banns were published in Pointis." The

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Marchionissa du Crozet, a witness presented by the actress, under oath affirms: "If we had been asked where she resided in France, we would certainly have replied: with her grandfather, either in Toulouse or in Pointis, depending on the time of year." Hadrianus Couderc, husband of Annae, Marreaux Delavigne, and Rosa Couderc Tien de Bart-Brusley, who, under oath, testify: "Upon arriving from Brazil at the age of nine, Miss d'Oliveira, entrusted by her parents to her maternal grandfather, Mr. Martin, resided with the latter in Pointis-Inard until the time of her marriage, except for the time spent at boarding school." "It has been established that Miss d'Oliveira had her domicile in Pointis-Inard, because she lived there with her grandfather from her youth, and she was considered to be his heir." However, the orator argues, the actress pretends that at the time of her marriage she did not have a *lares* in Pointis-Inard, but rather had a quasi-domicile with the nuns of Saint Maur, and still retained a domicile in the parish of Estadens; nevertheless, the orator maintains, the validity of the marriage equally subsists. For, in these days, it frequently happens that residents, especially servants and young people, change their residence and move from one parish to another. Therefore, more prudent pastors and ordinaries of the places, in the words of chapter...

[*Latin ed. p. 681*]

PARISIAN. 681. Although the Council of Trent ("regarding the license of the parish priest or ordinary") sought a remedy against the nullities of marriages, which can easily arise from a change of parish, due to the good faith or bad faith of the contracting parties, the diocese of Toulouse has the following statute: "In order to remove all doubt concerning the parish priest who is to officiate at a marriage, we decree the following to be observed in practice in our diocese: 1° The domicile required for marriage is acquired immediately by simple residence, provided it is public and with the intention of remaining. 2° Those who maintain a domicile in a parish (diocese) and are temporarily residing in another parish may contract marriage either before the parish priest of the domicile or before the parish priest of the place where they actually reside, provided they have resided there for at least one month." The defender of the bond states that these precautions ensure the full validity of the marriage, moreover, it is clear that the Fathers of Trent, when they instructed the faithful to celebrate marriage before any priest with the license of the parish priest or ordinary, did not prescribe a specific form by which the parish priest or ordinary should grant that license; but they were content with the words: "with the license of the parish priest or ordinary." Indeed, a very clear document, published by the Sacred Congregation of the Council in Cologne on March 18, 1893 (1), demonstrates that the Sacred Congregation approved the practice of admitting those who are residing in a parish for one or both months to a valid marriage, according to the form of the Council of Trent;

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and this practice is approved insofar as a mutual delegation is understood to be granted between the parish priests of a city, with the consent of the Bishop. Furthermore, in the aforementioned Cologne, the question was raised: "Does a marriage contracted according to the practice mentioned in the case proposed by the Most Reverend Archbishop of Cologne constitute a nullity?" The response was: "No, and with good reason." It is advisable to write to the Most Reverend Archbishop of Cologne, stating that... (1) *Repertorium Vol. XXV, 641.*

[*Latin ed. p. 682*]

682 FROM the decrees of the Council, considering the inconveniences arising from the aforementioned practice, it would be fitting to maintain the moderation prescribed by the theological consultant: namely, that this general delegation to the parish priests should not be permitted unless accompanied by the approval and delegation of the Ordinary, together with the faculty of also delegating to others; furthermore, that this general delegation should be limited to the case in which the matter, through the publication of notices, is no longer complete, that is, restricted to only those parish priests whose domicile has been abandoned by the spouses, and that its duration should be determined in such a way that it expires if two months, or 60 complete days, have elapsed from the last publication (exclusive), or as many complete days as are required by the diocesan statutes in order that the publications be repeated, if within that time the marriage has been celebrated; it is, however, to be hoped that the Archbishop will use this faculty only for the benefit of the inhabitants of his archdiocese. The Defender of the Bond concludes, noting that he can freely assert, without any demonstrable falsehood, that Anne did not have her domicile in the parish of Pointis-Inard. Moreover, no one would dare to assert that she resided in the parish of Pointis for more than a month before the marriage, and that she has constantly resided in the diocese of Toulouse since 1875, first in the parish of Pointis, then in the parish of Estadens, and with the nuns of Saint Maur; therefore, the validity of the marriage is equally certain. With these observations, the purpose was to ascertain whether the opinion of the Metropolitan Court of Paris of December 1901 should be confirmed or rejected in this case. RESOLUTION. The Sacred Congregation, after deliberation on April 26, 1902, decided to respond: It is established that the marriage is valid.

[*Latin ed. p. 683*]

683 From the DECREE of the Sacred Congregation of Indulgences, concerning the City and the World; by which, to the Christian faithful, who, whether publicly or privately, have prayed during the month of June in honor of the Most Holy Heart of Jesus, certain Indulgences are granted. Furthermore, that the devotion to the Most Sacred Heart of Jesus might

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be more widely spread throughout the Catholic Church, Pope Pius IX, through a Decree of the Sacred Congregation of Indulgences, dated May 8, 1873, and His Holiness Pope Leo XIII, through letters transmitted to all Bishops by the Prefect of the Sacred Congregation of Rites, dated July 21, 1899, having urged that various acts of piety be performed during the entire month of June in honor of the Divine Heart, and having attached Indulgences to them, most earnestly recommended this. Since some doubt may have arisen concerning the very pious exercises mentioned above, to which both Popes have granted Indulgences for the month of June, and in order that the faithful may be more strongly encouraged to cultivate devotion to the same Most Holy Heart through even greater spiritual graces, the Sacred Congregation of Indulgences, having jurisdiction over Indulgences and Sacred Relics, and making use of the faculties especially granted to it by His Holiness, decrees the following: All Christian faithful, who, whether publicly or privately, with a contrite heart, have offered some devout exercises in honor of the Most Holy Heart of Jesus during the month of June, may gain a partial Indulgence of seven years, and also forty days, once on each day of that month. Those Christian faithful who, privately, have performed the aforementioned exercises on each day of that month, and who, on one day of that month, or during that entire month, having truly repented, have confessed and received Holy Communion, and have visited a church or public oratory, and there have offered pious prayers according to the intention of the Supreme Pontiff, shall gain a Plenary Indulgence. Moreover, even those faithful who have participated at least ten times during the month in such exercises publicly, and who have fulfilled the aforementioned pious works, shall gain a Plenary Indulgence.

[*Latin ed. p. 684*]

684 FROM THE HOLY CONGREGATION OF INDULGENCES. The Holy Congregation declares that the Indulgences mentioned above are applicable to the souls in Purgatory. This [decree] is valid forever, without any brief dispensation. Contrary decrees notwithstanding. Given in Rome, from the Secretariat of the same Holy Congregation, on the 30th of May, 1902. L. * S. CARD. CRETONI, Prefect. S. f FRANCISCUS SOGARO, Archbishop of Amiden, Secretary. FROM THE HOLY CONGREGATION FOR RITES. Decree concerning the cult rendered to the Handmaid of God, the Virgin and Martyr, Eurosia, of Iaccensis. Tradition recounts that the Virgin Eurosia, distinguished for her virtue and lineage, flourished in the eighth century. In a certain cave near Iaccensis in Hispaniae, she long remained hidden, so that the Catholic Faith might be preserved and she might not fall into the hands of the Saracens. However, when certain leaders, with great arrogance and cruelty, discovered her, she showed herself to be a faithful bride of Christ, and, enduring torments, confessed

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her God, and, having her arms, legs, and head amputated, she attained the palm of martyrdom and the crown of virginity. The sacred body, gathered with the piety of the faithful, was buried with great reverence. By the providence of God, around the year 1072, it began to be singularly honored. Indeed, the relics of the Holy Martyr, being wonderfully discovered, were solemnly transported with great pomp and the frequent attendance of devout clergy and people to the Cathedral Church of Iaccensis, where they were honorably buried; the venerated relics of the head, however, remained in the aforementioned cave. From that time until now, the cult rendered to this Virgin and Martyr has continued without interruption for so many centuries; and it has spread not only within the boundaries of Hispaniae, but also to other regions of Europe, especially Italiae, and has increased more and more, especially among rural people and those of low condition, who invoke her help, particularly to obtain suitable rain for the fields and to alleviate hardships. Today, the [church] of Iaccensis...

[*Latin ed. p. 685*]

FROM the Sacred Congregation for the Sacraments, 685. The Bishop, together with the Chapter of his Cathedral Church, obtained, by Decree of the Sacred Congregation for the Sacraments on August 3, 1901, a dispensation from the ordinary procedure, as permitted by law, concerning the aforementioned cult, taking into special consideration the circumstances of this cult, so that, in cases excepted by the Decrees of Urban [VIII], it might be established by authentic documents. After duly investigating and exhibiting the aforementioned documents, among which are prominent the Apostolic Indults of the Supreme Pontiffs Gregory XIII and Leo XII concerning the aforementioned cult, these were presented to the Most Reverend Lord Bishop of Iacca, as is customary for legal information, along with the votes of the Chapter, the other clergy, and the people entrusted to him, as follows: The Cardinal Prefect of the Sacred Congregation for the Sacraments and the Relator of the Cause in the aforementioned Sacred Council, having signed it on the day indicated, in a meeting held at the Vatican, proposed the following question for discussion: "Does a case exist which is excepted from the Decrees of the aforementioned Pope Urban VIII, namely, concerning the cult which has been practiced from time immemorial for the Holy Eucharisia?" And the Most Reverend and Illustrious Fathers presiding over the Sacred Congregation for the Sacraments, after mature deliberation and having heard the Reverend Father Alexander Verde, Promoter of the Holy Faith, judged it necessary to respond: "Affirmatively, or it is established." On April 22, 1902. After all of the above was reported to the Most Holy Pope Leo XIII by the aforementioned Cardinal, Prefect of the Sacred Congregation for the Sacraments, His Holiness approved and ratified the resolution of the aforementioned Sacred Congregation on May 1st of the same year.

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D. CARD. FERRATA, Prefect of the Sacred Congregation for the Sacraments, L. * S. f.

D. PANICI, Archbishop of Laodicea, Secretary.

DECREE.

Concerning the Beatification, or declaration of martyrdom, of the Venerable Servants of God, Stephen Theodor Cuénot, Bishop of Melitopolis, and his companions, who were killed in hatred of the faith, in Cochinchina, Tonkin, and China.

At the request of the Most Reverend Father Peter Xavier Cazenave, General Postulator of the Society of Missions to Foreign Lands, concerning the Cause of Beatification, or declaration of martyrdom, of the Venerable Servants of God, Stephen Theodor Cuénot.

[*Latin ed. p. 686*]

686 FROM THE RITE OF THE BISHOP OF THE METROPOLITAN CHURCH AND HIS ASSOCIATES, the Most Reverend Cardinal Caietan Aloisi Masellarius, in the Ordinary Sessions of the Congregation for the Sacred Rites, signed in Rome, according to the Apostolic dispositions of the years 1878 and 1895, proposed the following question for discussion: "Does the validity of processes instituted by Apostolic authority, as well as the inquiries conducted in the places concerned, and the obedience rendered, pertain to the decree of Pope Urban VIII concerning the non-cult of the custom in question?" The Sacred Congregation itself, after careful examination, and having heard the Reverend Father Alexander Verde, Promoter of the Holy Faith, judged that the following should be answered: "Affirmatively, to both, with the addition of the questions that are lacking in the Apostolic processes of Tunquin Occidental and Cambodja; and it is to be requested that the Most Holy Father grant a dispensation for the lack of jurisdiction in the Ordinary Process of Tunquin Occidental, as the authentic documents transmitted to the Sacred Congregation for the Propagation of the Faith and to the Parisian Society for Foreign Missions, which were admitted in place of the Ordinary Processes by Apostolic permission, have equal probative value with the Apostolic Processes, and nothing else." On March 18, 1902. After all of the above was reported to the Most Holy Pope Leo XIII by the undersigned Cardinal, Prefect of the Congregation for the Sacred Rites, His Holiness, graciously granting the requested dispensation and other requests, approved the resolution of the aforementioned Sacred Congregation, on the first of May of the same year. D. CARD. FERRATA, S. B. C. Pref. L. * S. f DIOMEDES PANICI, Archbishop of Leodiensis, Secretary. DECREE. Of Leodiensis. Concerning the confirmation of the cult, which has been diligently rendered from time immemorial to the Servant of God, the Holy Heva of Leodiensis! [and now called Blessed]. Heva of Leodiensis, a Virgin, who lived in the 13th century, was so closely united with the Blessed Juliana, a Virgin

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of Cornelionensis, that both, having been given the strength, devoted themselves to spreading the cult of the most sweet Sacrament of the Eucharist throughout the world.

[*Latin ed. p. 687*]

From the Sacred Rites, 687, it is related: A young woman, called by divine inspiration to a solitary life, withdrew to a mountain near the Church of Saint Martin. The constancy of her holy purpose, though somewhat tested by the malice of the enemy, was confirmed by the admonitions of wise individuals and by her virtuous conduct. She had undertaken the work which, according to accounts, she began in life, namely, the establishment of a monastery on Mount Cornelii, near Liège, and she successfully completed it. Indeed, she most zealously promoted the Feast of the Body of Christ, which, in the year 1246, was introduced by Bishop Robert of Liège, and in the year 1252 was approved by Cardinal Hugo of Saint Char, the legate of Germany, and ordered to be celebrated annually throughout the Church on the Friday after the Octave of Pentecost, with the Office and Mass composed by Saint Thomas Aquinas. The Supreme Pontiff Urban IV himself sent greetings and congratulations to her in the most pleasing letters; in which he wrote these words: "Thy soul magnifies the Lord, and thy spirit rejoices in God thy Savior, because thy eyes have seen thy salvation, which He has prepared before the face of all people: Rejoice also, because the Almighty Lord has granted thee the desire of thy heart, and He has not denied thee the fullness of heavenly grace in the will of thy lips." It is not surprising that the account of the birth, life, and deeds of this Handmaid of God is a particularly remarkable document, since the Church of Saint Martin, where she lived until her death, was devastated in the year 1468 by the soldiers of Duke Charles of Burgundy. However, in the most recent informative process completed in Liège and presented to the Congregation of Sacred Rites, many documents have been gathered from which it is discovered that the Handmaid of God was adorned with virtues and merits; forty years after her initial withdrawal to Saint Martin, she peacefully departed this life, and her body was solemnly carried to the church with great pomp and the gathering of the faithful, and was honorably buried there, with a monument erected in her honor, depicting the Handmaid of God, along with inscriptions of praise. This sacred body was subsequently, after the ancient temple was destroyed in the 16th century, placed in a new and larger building, and is religiously preserved and venerated there to this day. When the delegate judge appointed by the Bishop of Liège, after completing the process, rendered a favorable judgment regarding the ancient cult, which was increasing day by day, in honor of the aforementioned Handmaid of God; the Reverend Father Felice M. de Neckere, Archbishop of Melitene, and the Cause's promoter, and with the attentive letters of the promoters of the Most Reverend prelates

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of the Kingdom of Belgium, under the guidance of the Most Reverend and Reverend Father...

[*Latin ed. p. 688*]

688 TO THE Most Reverend Cardinal Peter Goossens, Archbishop of Mechlin, and also to the Reverend Chapter of the Cathedral Church of Liège, to the present Parish Priest and Dean of the Basilica of Saint Martin, and to the General Superior of the Belgian Institute for Perpetual Adoration of the Most Holy Sacrament, the Most Eminent and Reverend Lord Cardinal Vincent Vannutelli, Bishop of Palestrina, and of the same Cause, Promoter, in the Ordinary Sessions of the Holy Roman Congregation, held at the Vatican on the date indicated, proposed the following question for discussion: "Whether the sentence pronounced by the judge delegated in the Ordinary Process in Liège, concerning the cult rendered from time immemorial to the aforementioned Servant of God, or concerning the exception to the decrees of Pope Urban VIII, should be confirmed in the case and for the purpose in question?" And the three Most Reverend Prelates presiding over the Sacred Rites, having carefully heard all, and after the Reverend Father Alexander Verde, Promoter of the Holy Office, had given his opinion, considered it necessary to respond: "Affirmatively, that is, the sentence is to be confirmed." On April 22, 1902. Subsequently, these matters were reported to His Holiness, Pope Leo XIII, by the undersigned Cardinal Prefect of the Congregation of Sacred Rites, and His Holiness approved and ratified the Decree of the aforementioned Congregation, on the first of May of the same year.

D. CARD. FERRATA, Prefect of S. R. C.

L. %

S. D. PANICI, Archbishop of Laodicea, Secretary.

DECREE.

Concerning the Beatification or Declaration of Martyrdom of the Venerable Servants of God, Jerome Hermosilla, Bishop of Miletus, of the Order of Preachers, Apostolic Vicar of Tunquin Orientalis; Valentine Berrio-Ochoa, Bishop of Centuria, of the Order of Preachers, Apostolic Vicar of Tunquin Centralis; Peter Almato, Priest of the Missionary Order of the same Order; and Joseph Khang, natives, who were killed in hatred of the faith.

By Decree of the Congregation of Sacred Rites, dated January 21, 1869, Pope Pius IX, of blessed memory, granted that a question concerning the introduction of the Cause of the Venerable Servants of God, who, from the year 1856 to the year 1862, in the region of Tunquin, under the rule of Tu Due, were, as is alleged, killed for the Catholic Faith, should be proposed in a special meeting of the same Sacred Congregation, in place of an Informative Process, with authentic reports transmitted to the Sacred Congregation

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by the Apostolic Vicars, and after having heard.

[*Latin ed. p. 689*]

From the Sacred Rituals, number 689, concerning the verification of vows, the Reverend Fathers of the Most Holy Faith have decreed. Due to certain circumstances, the Reverend Father Maurus M. Kaiser, Postulator General of the Order of Preachers, obtained from the Most Holy Pope Leo XIII, through decrees dated March 4th and April 1st of the current year, that the cause of four Servants of God and six others be examined promptly and separately. Three of these were born in Hispania and belong to the family of Saint Dominic; namely: Jerome Hermosilla, born in the town of Saint Dominic of Caleca, in the diocese of Lucronia, who, after being granted permission to leave his homeland, went to the city of Valentinum, where, under the guidance and care of the Archbishop, he received an education in piety and letters during his early years. As a young man, he embraced the Dominican Institute there, pronounced his religious vows, and then went to the Philippine Islands. After being ordained a priest and sent to the regions of Tonkin, he soon resigned as Vicar Apostolic of Eastern Tonkin and was consecrated Bishop of Miletopolis. Diligent in the apostolic ministry and observant of the true Faith, even though he had already reached his sixty-first year, he was betrayed by an unfaithful soldier and, after being transferred to the Metropolitan Province of the East, was seized along with his companions and, after a semblance of a trial was held, was beheaded on the first of November in the year 1861.

The second, associated with him in dignity, office, religion, and suffering, is Valentinus Berrio-Ochoa, born in the town of Elorrio, in the diocese of Victor, on February 14, 1827, and educated in the Seminary of Lucronia. With the knowledge and consent of his superiors, on October 16th of the year 1853, he entered the family of Saint Dominic. After completing his studies, he went to the Philippine Islands and, in the year 1858, went to Tonkin. His evident virtue led to him being immediately chosen as an assistant in the pastoral office by the Apostolic Vicar of Central Tonkin. After being killed by the indigenous people, he was adorned with the episcopal insignia and appointed to the same mission, diligently fulfilling the duties entrusted to him. Compelled by the persecution of the indigenous people in the Eastern Vicariate of Tonkin, while secretly but diligently carrying out his apostolic ministry there, he was betrayed by an indigenous doctor and seized by his companions on October 25th, in the same boats in which Jerome Hermosilla had been captured four days earlier. After being bound with ropes and chains, he was taken to the city of HaiDuong, and, after being tied to a stake, he bravely underwent the punishment of death, on the same day, the first of November, for the sake of the Christian Faith.

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The third stood firm in the struggle, Peter Al...

[*Latin ed. p. 690*]

690 FROM THE SACRED RITUAL RECORDS: Saint Felix – Priest, of the Vicenza diocese, born in 1830, and educated at the College of the Order of Preachers in Ocania. Having entered this religious order, with the advice of his confessor, the Reverend Antonio Maria Claret, he devoted himself to sacred studies. Subsequently, obeying the commands of his Superiors, he migrated to the Philippine Islands, where he was ordained a priest, burning with a great love for God. He offered himself as a worker for the Tunquin mission, and, having obtained permission, arrived there in 1855. However, due to his infirm health, he began to find it difficult to work, and, because of the severity of the persecution which forced many to recant, he was unable to provide constant assistance to the mission, as he desired. At the same time, the informer's judgment was flawed, and the priests Hermosilla and Berrio-Ochoad were detained in prison. At the same time, the glorious martyr for Christ, Joseph Khang, was also persecuted.

The fourth athlete of Christ, Joseph Khang, a native, was born in 1832 in the town of Tra Vi, in the province of Nam Dinh, from Christian parents. When he was thirteen years old, he was entrusted to the discipline and service of the priest Nang, and for ten years he remained with him, enduring the hardships of that region. At the age of fourteen, he was instructed in Latin and good morals, and he endured the recent persecution in the pagan land of Mot, where the priests Hermosilla received him as a student and servant. Together with his superior, he was captured and bound, and after imprisonment and beatings, in order to make him renounce the Faith, on the same day and year as the other three, although separated from them, after having, as they did, trampled upon the cross, the sign of defection, he confessed God with the shedding of his blood. These and other testimonies are contained in the information transmitted to the Sacred Congregation for the Propagation of the Faith, and in the subsequent proceedings instituted by the Ordinary Authority in various parts of Tunquin, and in the special additional inquiries completed within the Vicariate of Tunquin, Oriental, Central, and Northern, in the years 1893 and 1894. Therefore, with the urgent recommendation of the esteemed Promoter, and after considering the letters of request from several of the Most Reverend Cardinals and other ecclesiastical dignitaries, and from other persons of ecclesiastical or civil standing, the Most Reverend [Cardinal Caietanus Aloisi-Masella, Relator of this Cause in the Ordinary Sessions of the Sacred Congregation of Rites], having held the following discussion at the Vatican on the indicated date, proposed the following question: "Whether a Commission for the

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Introduction of the Cause should be appointed."

[*Latin ed. p. 691*]

From the Sacred Rites, section 691, concerning the case and the effect in question. And the Sacred Congregation, having carefully considered all matters, and having heard both verbally and in writing from Reverend Father Alexander Verde, Promoter of the Holy Office, deemed it necessary to respond: "To affirm, or to approve, the Commission, if it pleases the Most Holy [Pope]." On April 22, 1902. Subsequently, these matters were brought to the attention of Our Most Holy Lord Leo XIII, Pope, by the Cardinal Prefect of the Sacred Congregation for Sacred Rites. His Holiness, having considered the rescript of the aforementioned Sacred Congregation, with his own hand signed the Commission for the introduction of the cause of the four Venerable Servants of God, on the first of May of the same year. DOMINICUS CARD. FERRATA, Prefect of the Sacred Congregation. 1. * Most Reverend D. PANICI, Archbishop of Laodicea, Secretary of the Sacred Congregation.

Regarding the Beatification and Canonization of the Servant of God, Sister Mary of the Celestial Rosary, Foundress of the Monastery of the Most Holy Savior, now called in the city of Fodiana (1). Divine and human testimonies have been added. For when, urged by Falcoia, a gathering of theologians was held in Naples, to judge the entire matter, all, with unanimous agreement, and following the prescribed rules, recognized the admirable work of God. Shortly thereafter, Saint Alphonsus, who had previously indicated that Mary of the Celestial Rosary was surrounded by the snares of Satan, having a better understanding of the matter, declared that she was moved by the Holy Spirit. Upon learning this, the Bishop of Scalia wished to ratify and confirm those new regulations. The nuns, all of them, and especially that one who had been the principal target of the attacks of the Servant of God, at the urging of Saint Alphonsus, with a wonderful consent, accepted the regulations on the feast of Pentecost in the year 1731, and solemnly affirmed them five times, and that on that day, something was written by Falcoia, as, indeed, Father Berthe seems to have wished to assert. This should not be taken as certain, for Falcoia, who (1) See this volume, page 432, 356 seqq., for the complete process concerning Sister Mary of the Celestial Rosary.

[*Latin ed. p. 692*]

692 FROM the sacred rites, already established, a cause arose which disturbed the mind of the Handmaid of God, and, although not unwilling, she perceived that her own sentiments were not welcome in all these matters. After receiving the regulations in the monastery of Scala, she enjoyed a period of peace and tranquility, granted by God. For grave matters and more severe vexations arose, by which her virtues were increas-

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ingly proven, and became conspicuous to all eyes. By divine inspiration, Alphonse Liguori himself, the future founder of the Sodality of men, foretold that it would be dedicated to the Most Holy Redeemer. Indeed, in Scala, a certain novice, who, deceived by the very Handmaid of God, was misled by her deceptions, foretold that it would not be Alphonse, but someone else, who would be appointed to lead the Congregation; but she affirmed that this was taught by God. This young woman, of a more astute mind, gradually accommodated herself to the Handmaid of God, and was so led by her counsel, that she did not doubt the conscience of the Handmaid of God. But, guided by the divine will, she hesitated to use the Handmaid of God as her guide, and asserted that a priest was sufficient, who was accustomed to hearing the confessions of the nuns. Such great anger arose in the mind of the Handmaid of God, that it moved the entire monastery. All declared her to be mad, or caught in diabolical deceit: they cast her into the cloister of the monastery, as if into a prison; they offered her no medical care; they excluded her from all human companionship and solace; they forbade her to speak with her own sisters; and, what is even more grievous, they forbade her to be nourished by the heavenly food [the Eucharist]; finally, they brought her to the general assembly of the nuns, and ordered her to make a vow, that she would never, at any time, consider the Handmaid of God as her judge. When she declared that she could not do this, because it was not pleasing to God, they expelled her from the monastery, in religious habit, with great injustice.

These things, our most astute censor, so diligently avoids, and, as he remembers in numbers 25 and 26 of his Annotations, recounts the same narrative, as he presented in Process XXVIII and LXII. But, in argument 27, he states: "But this is certainly not to be doubted, as the witnesses believe, that the Reverend Falcoia did not assert that it was not permitted; for, as is widely known, those who are endowed with the most excellent virtues, especially the virtues of the most excellent men, are said to have exerted a great influence over the virtues of the then Venerable Alphonse de Liguori, and this is openly contrary to, and contradicts, the most wise judgment of..."

[*Latin ed. p. 693*]

From the Sacred Ritual, 693, Saint Alphonsus recounts that, when the cause of the Venerable Mother Falcoia was being examined, she could not restrain her tears. It seems fitting to address this first to those who, perhaps, are embarking on a difficult path, when a simple and direct way is open to them. We are indeed dealing with a historical fact; and historical facts are not established by mere conjectures, but by true and certain testimonies which we must diligently seek. And indeed, such documents and testimonies are abundant in this case. Therefore, we refute our opponents, not with specious and deceptive arguments, but with these very documents.

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For it is certain, and not only the witnesses 28 and 62, whom the Censor interrogates, but many others, unanimously and most emphatically affirm, that the Servant of God, Falcoia, suffered grievous vexations, and that, despite her love for God, she was expelled from the monastery of Escalena. Let us hear, for example, what witness 1 states: "Because another Religious had also heard what the Servant of God had confided to the Mistress of the Novices, and this one had begun to say that she, too, had received the same revelations, the Reverend Falcoia, deceived by the false revelations of this one, directed the spirit of the Servant of God through the suggestions of this very one, and all the more so because this one, believing in the prophecy, was thought to be the leader of the new Congregation, and not Saint Alphonsus de Liguori, as the Servant of God said (and it came to pass); therefore, this spirit, out of its own love, favored the words of the first, and not those of the Rose. But from her own life, it is evident that, having left the aforementioned monastery due to the persecutions she had suffered, and having received advice from other Spiritual Fathers, these were astonished to have so long sustained the idea of allowing herself to be directed by Father Falcoia, to the point of demanding oaths not to deviate from his direction." Witness 33 states: "Meanwhile, a new Spiritual Father came to Saint Alphonsus; and because the Servant of God did not wish to avail herself of him in the direction of her spirit, and for reasons of conscience, she went to meet him, through the intervention of the same Spiritual Father, for penances, for isolations, and finally, because she refused to swear to avail herself of the direction of the same Spiritual Father, as the Religious had deliberated in a full chapter, she was expelled from the community." The following is also reported by witness 46: "The Servant of God, as can be read in her life, did not wish to depend, for reasons of conscience, on the same..."

[*Latin ed. p. 694*]

694 From S. C. RITUUM Falcoia, a subordinate confessor. This fact gave rise to her continued and increasing persecution, to the point of driving her from the monastery of Scala." The same author has sixty-three witnesses. He says: "No one caused the persecution of the Handmaid of God, no motive did she give for her persecutions: it was the deceit of the confessor, who, by doing so, made the Handmaid of God hated, because he did not want her to serve him for the direction of souls, so that he might regulate her life according to the dictates of a novice, who he knew was deluded, and who placed herself at the head of all the Religious to persecute the Handmaid of God, giving them to understand that this was required by true Catholic zeal and the glory of the Lord." And again: "Therefore, while the first undertaking was progressing well, that is, the one concerning the monastery of Scala, and the other was being carried out for the Congregation of men, the devil began to attack the Handmaid of God with greater

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vigor: he inflicted a fierce persecution upon her in the community, to which the same Father Spiritual was a witness, simply because she would not allow herself to be used by him for the direction of souls, etc." To this is added that the Handmaid of God herself, in her life commentary, which she wrote with such native candor of spirit and with so much truth, attributed the same things to Falcoia, which, as the esteemed censor believes, she could not have asserted with such certainty. Compare with this commentary chapters 51, 52, 53, 54, 55; the entire history of these most grievous tribulations, which must be lamented, which were experienced by the most holy Mary, the Mother of God, and which were also inflicted upon her by Falcoia, either by command or by persuasion. She herself writes: "These letters from the knowledgeable Religious kindled so much zeal in the heart of the Father Spiritual that he ordered the nuns and the Superior to mortify that Religious, and that she be deprived of the Holy Communion, and that no one speak to her any more." Furthermore: "One of those Religious, who had stirred up this tribulation with the Father Spiritual of the nuns..." And again: "Meanwhile, the knowledgeable Religious was threatened, and the knowledgeable Father Spiritual was fully informed by the nuns." Elsewhere: "On the contrary, the knowledgeable Father Spiritual, being a man of sense and prudence, was so obscured by the devil in this case that he lost all prudence." Furthermore: "They wanted to drive her away of their own accord, by means of a chapter that was drawn up for that purpose, on the advice of..."

[*Latin ed. p. 695*]

From *S. C. Rituum* 695, concerning the "Spiritual Father," it is stated: "And also: 'All these operations were carried out (even though the Handmaid of God was imprisoned, and all human communication was forbidden to her) by the Religious, by order of the learned Spiritual Father...'". To this is added: "The other Religious, who were not at fault, but were drawn in by the Superior and the learned Spiritual Father...". Finally: "...and almost all of them had no part in this tribulation, but were forced by the Spiritual Father." These things are so clear that no commentary is needed. What is more, even Father Berthe, although often praising Falcoia in matters worthy of praise, could not remain silent about these things, and did not dare to obscure with words the great sorrows which Maria Caelestis patiently endured, for Falcoia himself was the author of them. He says: "This resistance irritated the Superiors (understand Falcoia), who found it good to bring her to repentance, or at least to remove all influence from her, and to confine her to her cell (it is not her cell, but she was imprisoned in a room placed high up)." (Op. cit., vol. I, book II, chapter II, page 139). And after a few words: "To put an end to this torment, Falcoia, who did not admit of half-measures, decided that a strong blow must be struck. By his order, or at least by his advice, the Mother Superior informed the

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sisters that they would be excluded from the convent, if they refused to subscribe to one of three conditions: the first, to cease all correspondence with Tosquez; the second, to designate with their hand the rules elaborated by Mr. Falcoia; and the third, to engage by vow to entrust to him, as before, the direction of their conscience. On the two first points, Maria Caelestis made no observation, but she did not believe that she could accept the third... because grave reasons of conscience prevented her and would always prevent her from binding herself by such a vow." (Op. cit., vol. I, ibid., pages 139, 140). Therefore, if the documents of tradition and history are as they are, would we not seem to be departing from the truth if we hesitated to assert this very fact, so clearly recorded in the same documents? But, says the most learned Censor, these things openly contradict...

[*Latin ed. p. 696*]

696 From the Sacred Rituals, along with those accounts which speak of the virtues of the most excellent men, the following are transmitted concerning the Most Reverend Alphonsus de Liguori. May it be far from us to think that anything, even the smallest thing, concerning the virtues and the praise of that excellent man, should diminish in our minds. But is it not possible that even the most outstanding men may sometimes be led into error in judgment? Is not every man subject to human limitations? However, I wish you to understand that the sentence contained in the documents presented, although it may seem somewhat severe, should be taken objectively, as is customary in schools, and not with regard to the act of the will, as if there were a formal intention of malice. This observation, indeed, is not subtle, but it is based on historical truth. It is certainly true that no witness has uttered any word in his own account that denotes the evil will of a man, but rather that Mary, the Celestial, with great prudence and with a spirit of charity, treated the entire matter with such care, so that those for whom she had been the cause of so much hope, might always be excused, and that she considered that they had intended nothing other than the sanctification of souls and obedience to divine glory: "... so that if anyone has said anything that has happened with a spirit of truth, both concerning the works of the Lord and concerning the deceptions of the enemy, let him leave the judgment to Him who is the Judge of the living and the dead" (Life of Sister Mary Celeste Crostarosa, Book I, Chapter 48). And elsewhere: "She then showed how, from her most beloved and intimate friends, who were persecuted and calumniated, contradicted by the Servants of God and by good people, they did so with zeal, believing that they were working for the glory of God" (Ibid., Chapter 61). And a little later: "All this they did out of zeal, and for a reason that they considered just..." (Ibid., Chapter 61). Furthermore: "But all of this was done with good intentions, because the souls were truly good" (Ibid., Chapter 63). What more need be said? The Handmaid of God acted so prudently that she did not even allow the

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slightest damage to be done to the reputation of others; and when she was ordered to leave the monastery of Scala, and when she was informed of this matter by her eighty-year-old father, she sent him that very letter, in which, I ask you, what is more remarkable, her perfect humility or her singular charity towards her neighbors? "See how these good Religious of the monastery..."

[*Latin ed. p. 697*]

"EX S. C. RITUUM 697. Meae imperfectiones me expulserunt, et volunt me ex hac vita monastica, ita disposita a Deo. Preco ut inveniat un monastero, ut possim ibi conservari donec Deus disponat, et quia non est bonum esse in statu saeculari. Preco ut non se affliggat, quia Deus provvederà; et ego la benedico, et os meos pedes osculo." (Ibid. cap. 54).

Adeosim, cum narratione simplicissima, veritati illi obtemperavit, ut caritati etiam sanctissima consultum voluerit! Ceterum nihil accidere poterat plus auspicio, quam ut egregius Fidei Assertor mentionem faceret in Animadversione sua de Positione super virtutibus tunc Ven. Alphonsi de Ligorio. Si enim in Positione tunc Ven. Alphonsi de Ligorio praeclara de Falcoiae virtutibus inveniuntur, multo praeclariora in Processibus tum Ven. Alphonsi de Ligorio, tum Ven. Gerardi Maiellae, quoad virtutes ac sanctimoniam Mariae Caelestis, traduntur. Nam passim de illa haec praedicant testes: "religiosa di ottimospirito; religiosa di santa vita, et morta in concetto di santità; religiosa di santa vita et dotata di donisoprannaturali; religiosa di santissima vita, et a Deo favorita cum donisoprannaturali, iam morta in concetto di sanctità; – ceteras inter easdem Virgines vitae sanctitate ac coelestibus charismatibus eminebat – gran Serva di Dio; – ceteras eas Virgines vitae sanctitate ac coelestibus charismatibus praecellebat, quae... decessit sanctitatis fama commendatissima; morì in assai conto di santità; molto prezzata per la perfezione cristiana ereligiosa; donna di moltaperfezione; donna quae fu chiara pel suo nome et per le sue virtù talmente, che etiam hodie cum molta lode commemoratur; donna molto inoltrata nella perfezione, et quae complicebat assai dei consiglie della direzione degli uominidiDio; nel medesimo collegio di Caposele, stando Gerardo in medio suis congregati, dixit: – hodie se en'è volata al cielo l'anima della Madre Suor Maria Caelestis in Foggia –." Hoc accidit in diebus ultimis suae malaetiae, quindipensarono di verificarlo, et fuit inventum verissimum, sicut Gerardo dixit."

Haec profecto, nimeame fallit opinio, non quidempraecara, sed praeclarissima sunt, et quantae aestimatione Famu lae Dei sanctitas omnibus semper fuerit, et quantae etiam nunc habenda sit, facile demonstrant. Quod simens nobis non est, ut haec tam illustria testimonia iis comparentur, quae de...

[*Latin ed. p. 698*]

698 From the *Ritual* of Saint Charles Borromeo, certain passages have

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been brought forth, for indeed, all comparison is subject to envy; nevertheless, we strive to use the same arguments that the most illustrious Defender of the Faith employed concerning the *Ritual*. And, it seems to us, it is not permissible to criticize that man, since his prudence and doctrine are praised by many witnesses in the aforementioned writings of the Venerable Alphonsus. But is it not a greater fault to reproach the virtues and sanctity of the Blessed Virgin Mary? And yet, did not that heroic virtue and most holy life receive even more testimonies in the same writings, and in another, those of the then Venerable Gerard Maiella? If our censor has indeed joined these two together, he has certainly erred. See, for example, note 27, which contains what is found in the following passage. Therefore, let us not think the same thing twice. Now, what remains to be refuted is what the censor brings forth, referring to the fact that Alphonsus was grieved by the news of the death of Falcoia, and that he himself bore judgment against a man so dear to him. Indeed, this is not without its flaws. But consider whether this premise leads to a conclusion much broader than that which the illustrious opponent believes it can derive. Indeed, I understand why Alphonsus grieved, having been deprived of his life, and I do not deny that he held Falcoia in high regard. But how can I persuade Alphonsus to have judged Falcoia so harshly, when he had proven all that she had done against the Handmaid of God? Nor shall we appeal to the authority of Father Berthe. For he himself contradicts you, as he states, after having recounted the afflictions of the Blessed Virgin and her expulsion from the monastery: "Alphonsus was absent during these sad debates. Upon his return from his apostolic journeys, he no longer found that privileged soul in the monastery, whom he had, for a moment, believed to be, but to whom he always held the greatest interest. One can conjecture that, present at Scala, he would have given the wise counsel not to demand a vow from the sister, a vow that her will rejected, a demand that seems contrary to both prudence and justice." (Op. cit., vol. I, book II, page 140). Nor do I deny that Alphonsus would have acted in this way, and therefore would not have approved of Falcoia, if he had been present at Scala at that time. For that holy man, he—

[*Latin ed. p. 699*]

From the Sacred Ritual, number 699, the defender of Catholic doctrine asserts, and it is fitting that he should, that he who is counted among the Doctors of the Church deserves that he should have proven what vow he has made, and that he should be bound before God by this investigation. For in his Moral Theology, this is taught by St. Thomas, Sánchez, Layman, and the theologians of Salamanca: "A vow is a promise made to God, deliberately and with the best possible and most excellent intention." To this definition, he adds: "Since the obligation of a vow is very grave, it requires perfect intention, deliberation, and freedom, so that one may freely and

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directly will to promise, obligating oneself in spirit." (Vol. I, book III, treatise II, chapter 3, page 347, edition of Turin). Therefore, by what right did he wish to bind the Blessed Virgin Mary with such a bond, or why did he command that Falcoia, who was resisting this vow, be expelled from the monastery of Scala? Furthermore, as we have already said, it is in no way our intention to contend that Falcoia was imprudent or unjust in her actions against the servant of God, and that we should therefore detract anything from the merits of St. Alphonsus. But if we affirm that he, in the controversy that he had, speaking objectively, exceeded the bounds of his office, I do not think it is necessary to say anything that seems to be contrary to fact and to the truth of history. Therefore, we believe that we have been largely prejudiced by the conclusion that the excellent promoter of the Faith seeks to draw, writing: "Given these things, it is rather necessary to say that the Blessed Virgin was the head of all heresies, who, because she claimed to have received revelations from God that were too numerous, maintained that she could not adhere to new rules proposed to her: and therefore, especially, she began to distrust the Reverend Father Falcoia." Was the Blessed Virgin the head of all heresies? But she did not spread calumnies, but was the victim of them. She did not cast insults and reproaches, but was affected by them. We have never seen her forbid the healing of the sick, but rather, we have seen her, even while suffering from illness, refuse no remedy and was confined to solitude. She never denied human and divine consolation to anyone, but we have reason to believe that she was everywhere intercepted and prevented. Historical documents most certainly report that she did not allow any of the mortal to freely enjoy their freedom. She did not create obstacles to the conscience of others; but, being unable to deny that she was unjustly bound by a vow, she was expelled from the monastery. These things, which have been thoroughly proven above, clearly demonstrate that the servant of God...

[*Latin ed. p. 700*]

700. From the Sacred Ritual, it has been brought to my attention that certain individuals have attributed to her [Mary] a most vehement complaint, claiming that she herself was the innocent victim of this very complaint. And indeed, nothing contradicts the truth more than what is written by the most diligent Adversary, Father Berthe. I ask: Is it not true that both Falcoia and Alphonsus Liguori, and also the most esteemed Bishop of Scala Santoro, and many others, renowned for their probity of life and their doctrine, have declared that Mary, the Queen of Heaven, revealed to her that new rules should be established and a new Congregation of men founded? If this was indeed the case, what fault could be found with the handmaid of God, if, seeing the rules being fundamentally altered and the male Sodality brought into danger, she presented her complaints to Falcoia herself? Surely, it is by divine will that it is clear that, as far as

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it is within your power, you should strive and endeavor to ensure that her commands are obeyed. But what did Mary, the Queen of Heaven, do, leaving behind this very statement, which Father Berthe translates into French as follows: "As long as they deliberated to know if the revelations had God as their author, I was obligated to remain silent; but since the work has been declared divine, I am obligated to resist, in the execution of this work, those enterprises that seemed to me to hinder or distort the designs of God; not in order to assert what I abhor, but out of respect for the truth" (Op. cit., Book II, Chapter II, page 133). Therefore, it is not surprising that the handmaid of God "for a long time suffered internally from seeing the Bishop of Castellammare interpret the rule, in his own way, which God had revealed. If God truly inspired this rule, as Alphonsus and Falcoia acknowledge, it must not be permitted to substantially alter its dispositions" (Loc. cit., Chapter I, pages 121, 122). As for Falcoia, I ask: How can she defend herself against the following words, which are also found in the same writing by Father Berthe? For we hear Mary, the Queen of Heaven, responding to her: "Perhaps all her revelations were nothing but illusions, which tormented the conscience of the poor sister" (Ibid., page 122). But this presents a dilemma. Either that most excellent man never believed that the handmaid of God had received a divine mandate regarding the new rules and the new Sodality, or...

[*Latin ed. p. 701*]

From the records, it has been demonstrated that she, whether through direct communication or otherwise, had spoken with the blessed Alphonse. If she had never advised him, except for others, the Servant of God himself testified, "that the Religious, being of a saintly life and endowed with supernatural gifts, knew all these things with a higher light"; and again, "that the light of that good Religious came from heaven"; and also, "that God had inspired the Religious." If she truly had been divinely inspired, why did she later so vehemently reject this opinion, and condemn all the revelations of the Servant of God as if they were the dreams of the sick, or errors injected by the demon? For this reason, the Reverend Father Berthead, as he wrote, and which the most esteemed Promoter of the Faith included in his commentary in this place, it is necessary to consider what the Servant of God herself wrote in her autobiography: "But in these matters, the opinions of all the brothers were not united, and there began to be many contradictions among them, and they went to and from the monastery, lamenting about the known Spiritual Father, because he wanted to be the head of all the brothers, and that each one should be dependent on him and subject to his opinion... The Reverend Father Vincenzo Mannarini and the Reverend Father Giovanni Battista Di Donato, together with the known gentleman (Tosquez), were of a contrary opinion about these things. They came to the monastery of the nuns and told of all those controversies that were

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there, and of the lamentations, and of the things that the known Spiritual Father was doing to the nuns. That secular gentleman was of the opinion that, since the Lord had used that known Religious for the manifestation of His work, so too, that same known Religious should decide this disparity of opinion in these doubtful matters among the brothers. But the Spiritual Father, content with no other expedient, wanted all to submit to what he had determined. And so, the things began to take on disparities and contradictions for some time, with the addition of harsh words, and there began to be some silent disturbance among the religious." (Op. cit., chapter 47). These things should also be added, which are read a little further on: "Then (Falcoia) was so offended that she demanded to see the work of the Lord, and together with the spirit of the known Religious, after so many years that she had already established the regular observance of the monastery, and after..."

[*Latin ed. p. 702*]

702 FROM S. C. RITUUM, the Decree is sent by the ordinary Bishop of the place, through that devoted man, as was said in the preceding chapters. Then, when the aforementioned Bishop began to hear rumors and controversies among the Sisters, he was greatly disturbed, and feared greatly what he had done previously, and in hearing these illusions and distinctions, he lost not only the concept of the work itself, but also the esteem and understanding of the Religious, and he greatly feared because he had overturned what he had established with such a beneficial decree, namely, the known rules. Then he demanded that the Sisters return the aforementioned Decree... (Op. cit., chap. 49). Nor are these things to be omitted. "The aforementioned Religious also began to fear that she had been deceived. If the inner light of the Lord was completely obscured for her, although in the past tribulation, before the work of God was accomplished, she suffered persecutions and tribulations, as has been written in the preceding chapters, then that was a time of travail, because at that time she received great confirmations from the Lord, and all the Religious were in her favor, and the Spiritual Father who assured her. But in this last tribulation, it was not so, because not only was she not illuminated by the Lord internally, but she felt a dense darkness and obscurity within her soul. Then she made it more evident that she was persecuted and calumniated by her most dear and intimate friends, and contradicted by servants of God, and by good people, who did so with zeal, believing that they were acting for the glory of God. Then, from the monastery, the battles of all those Religious companions began, by the will of God, and from intimate friends of charity, they were transformed into so many rigorous and severe judgments, as the Lord had arranged. All of this they did out of zeal and for what they considered to be a just cause, because they had so cleverly twisted the facts through the work of the enemy, that there was no small action that had not been judged

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and condemned as guilty, without any warning from the aforementioned Religious..." Meanwhile, the aforementioned Religious, seeing that the fire could not be extinguished, withdrew into her cell in silence, at the feet of the Lord, praying and humbling herself, because she thought that she was the cause of these tribulations because of her imperfections (Ibid., chap. 51). All of these things make everything clear, from which it is evident that prudence and charity are required. And also, if anything human is less commendable, then during this time of so much turmoil, it was not the fault of the handmaid of God.

[*Latin ed. p. 703*]

From the Sacred Ritual, 705, but these things must be attributed to those who are opposed to them. And indeed, it is true that he did not stir up true disturbances, nor did he present the work of God to the ridicule of impious men, nor did he engage in any immoderate action. For he never spoke against anyone, nor did he ever adhere so firmly to any opinion that he would prefer others to be loved less in Christ or to be embraced with a lesser union. "She surrendered herself, as she herself testifies, to the arms of divine Providence, awaiting in pure faith that which God would wish to draw from so dark a battle, so that her inner self was so devoid of all light of consolation, both divine and human" (Ibid., chap. 0). Nor can we agree with our esteemed opponent, who, after having so vehemently declared that the handmaid of God was indeed innocent, contends that, in fact, nothing was added to the new regulations that was not already proposed; and he affirms that, for this very reason, it happened that the Most Blessed Virgin began to distrust Father Falcoia. This, of course, cannot be said, for it is a gratuitous and plainly unjust accusation against the handmaid of God, to suggest that, if she did indeed observe the regulations, she did so without regard for truth, and without consulting her own conscience, from which she held the greatest abhorrence. "Not to make myself appear important, which is what I abhor, but out of respect for the truth." And how can we fail to recognize the humaneness of our censor, if we have also seen that he himself took these words from Father Berthere? Furthermore, we have no need to interpret or speculate as to why the Most Blessed Virgin began to distrust Falcoia, and why she soon, and no longer, restrained herself from sending him a message. The facts themselves bear witness; indeed, the witnesses are I, LXII, XXVIII, XXXIII, LXIII. And the handmaid of God herself, as is her custom, narrates the causes of this event in her autobiography: the first of these was that Falcoia often gave her conflicting advice and raised various doubts, so that it did not seem clear to her which path to follow or which decisions to make, and this did not seem very wise, nor very commendable. "She had suffered an internal battle, when the Lord revealed to her the work of the new Institute, which lasted until this very

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time; and it had been five years with the known spiritual father."

[*Latin ed. p. 704*]

70. From the Sacred Ritual, it is stated that the "Work of the Lord" at this time concerned the division of the Brothers... Thus, the wise Religious was always in pain, with crosses, fears, and perplexities of spirit. From the time that her companion (Father Filangieri), as previously narrated, published so many things, and made so many consultations in Naples concerning the "Work of the Lord," disapproving of it, the spirit of the wise woman was always troubled. "The aforementioned Father remained wavering." (Op. cit., chapter 47). Another cause was that a certain younger nun, who was at that time residing in the monastery of Scala, was acting as though she had revelations and visions, and Falcoia so readily assented to her, that she even asserted that she had communicated these things to God herself, and that Alphonsus was to be the founder of the Congregation. "Indeed, this young woman was very much approved of by the Spiritual Father of the nuns, and she advanced so much in the opinion of this director, that she was the one who regulated the aforementioned Father in the guidance of the other Religious of the monastery, saying that she had received from the Lord the discernment of spirits. Therefore, she entered into the manifestation of many secrets of conscience through revelations. She was singularly loved by the Spiritual Father of the nuns, and was esteemed as a simple soul, to whom God wished to communicate, and this concept was entirely approved of... It was to such an extent that the Spiritual Father took her advice in order to regulate the wise Religious in her doubts, which were circling the spirit of that soul, which had received the rules, etc." (Op. cit., chapter 48). However, Maria Caelestis had suspicions as to why this younger nun's words were not given credence by the prudent judgment of others. And indeed, the outcome of events proved that her opinion was not in error. For to say it plainly, the Congregation to which the name has been given by the Most Holy Redeemer had Alphonsus Liguori as its Founder and Father, and it honored him. As for Maria Caelestis, she herself recounts the following: "When she met the wise Religious, who had received the rules from the Lord, and that Father Spiritual was disturbing the 'Work of the Lord,' and the union, which was so necessary among the Brothers, she turned to the Lord in prayer, and made it known to Him that she would no longer have him as her Spiritual Father, and that she would withdraw, because it was not His will that he should be her director." (Ibid., chapter 47). Therefore, it was not because she was not making progress in the rules that had been proposed, nor because she was giving too much importance to her revelations, but for other reasons (which follow).

[*Latin ed. p. 705*]

From the Sacred Rituals, number 705, the Handmaid of God began to

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experience disturbances, so that she might diminish her confidence, and no longer employ that director of conscience. But alas: thus did Saint Alphonsus Liguori behave, who submitted to Falcoia in all things. And indeed, I shall say with the utmost sincerity and sanctity, that even though other things were added, in order to attain greater glory for God, and a greater good for herself, they would suggest that very vow to her. What more can be said in praise? Certainly, she did this with the urging of God. But how different is the case of Maria Caelestis! For she, under the direction of Falcoia, confessed that she was led to the point that not only did that director not bring light to her mind, but rather, like perpetual darkness, it constantly obscured her: not only did it not remove her sorrow or anxieties, but, by receiving answers of a most deplorable significance, it plunged her into new distresses. This divine voice did not seem to be one that invited her to continue following Falcoia; much less can I call it a divine voice that compelled her to surrender completely to Falcoia's vow. And it is not to be wondered at that a man of such learning and piety was judged to be less apt to govern the Handmaid of God. For it is not uncommon to read in the lives of the Saints of priests, highly praised for their doctrine and piety, who were found to be unequal to the task of guiding a certain Handmaid of God in the ways of the Lord. As a witness, it suffices to call upon Saint Teresa of Jesus, the most holy Virgin, who narrates that she suffered greatly from those who, either by excusing her confessions, or by moderating her conscience, did not often and thoroughly examine the hidden things and singularities of her soul, nor did they observe the paths by which God was leading her to progress. Moreover: that Maria Caelestis no longer communicated with Falcoia about her conscience and her affairs, happened most unjustly to Alphonsus, who vehemently disapproved of that celebrated letter received from her, as we are commanded by the most excellent Vindicator of the Faith to do. Hearing his words, we gladly do so. Therefore, we have included that letter together with the letter of response from Maria Caelestis in the attached Summary, and we have added several other documents, some of which are sought out by the most inhumane Censor, and others we offer spontaneously, so that those things that may be useful in this cause may be brought to the attention of those present. These documents were received by the RR. PP. from the Most Holy Redeemer, from the ACTA, TOM. XXXIV, RASE. CD V III. 45.

[*Latin ed. p. 706*]

706 FROM the Sacred Rituals and other matters for which we are most grateful. However, with regard to the notes appended to the text, we must point out that we disagree with the most distinguished author in one or perhaps several historical matters. But, considering the letter of St. Alphonsus and the circumstances to which it refers, it will easily become clear that there is no reason to object to it. First of all, I wish to state that St. Alphonsus

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never intended to accuse the Servant of God of fault of will, but rather of error in judgment. This is most clearly taught by St. Alphonsus himself with these words: "I have never condemned you in my will, as I have already written to you, but only in my judgment." It should also be noted that St. Alphonsus greatly esteemed the authority of the Servant of God, believing that it could be very effective in calming the minds of those who were dissenting, and in reconciling them with Falcoia. Therefore, he left nothing undone to draw those parties to Falcoia. Finally, he sent her this more forceful letter, in order that he might achieve what he most desired. "This determination of Mary-Celeste caused Alphonsus great distress. He took a great interest in this soul, who was endowed with the most precious gifts, and through whom God wished to make her vocation known. On the other hand, this action of the sister would weaken the forces of his companions in their opposition to Falcoia. He employed all means to persuade her to reconsider her decision. At his instigation, the Mother Superior of the convent and other sisters devoted to Mary-Celeste tried, but in vain, to change her mind. It was then that Alphonsus wrote to her an admirable letter, in which he clearly established the fundamental principle that dominates the entire discussion, namely, the absolute necessity of referring the matter to the authority of Mr. Falcoia" (B. P. Berthe, op. cit., Book II, Chapter II, page 133, 134). Furthermore, it is historically certain that Falcoia was primarily indebted to Alphonsus, who at that time was urging Mary-Celeste to not abandon his spiritual guidance. However, when she was held in her sickbed, so that she could not even bring her feet out of the room, she was forced to abstain from the conversation of the most holy man. Among the harmful rumors that were spread, some claimed that she was suffering from a bodily illness, but that she was becoming cold in piety. But Alphonsus himself...

[*Latin ed. p. 707*]

From the Sacred Ritual, number 707, it could have arisen some suspicion that Mary of the Celestial Glories had not been hindered by illness, but had conversed with her, lacking humility; for which she considered it a just and new reason to be treated with a somewhat sharper tone, in order to break her spirit. "She added that she saw the infirmity of the body, which was so weakened in its forces that it caused many sufferings, with a fever that consumed her. She had a lack of appetite, and could not even eat for necessary sustenance. She weakened so much that she lay in bed, sick, without any help, nor any human relief, because no Religious could visit her, nor were any nurses sent by the Superior, nor did the Superior know that she was to be visited; indeed, she was not believed to be sick, but rather, cold in spirit. This is what (St. Alphonsus) made her say, telling her that he wished to speak with her, but without the Religious knowing. She excused herself by saying that she was a little faint, and could not stand. He wrote

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her a letter on a single sheet of paper, full of doctrine, and of events that had befallen souls lost through deceptions and spiritual attacks" (Life, cited, chapter 51). The text of Ihabens is as follows: "This, having decided to leave the direction of Monsignor Falcoia, who was so poorly informed, caused St. Alphonsus of Liguori, who was directed in spirit by the same Falcoia, to go to the monastery in order to persuade her to remain under the direction of the same, as he had told her, but since the Servant of God could not come to the grating, because she was lying in bed, the same St. Alphonsus, believing her not to be sick, but rather cold in spirit and haughty, wrote her the letter mentioned above, which the Servant of God received with great humility and resignation of spirit, writing a letter of thanks." One more thing must be noted, most esteemed Judges. Alphonsus, having made a vow, had obligated himself to help Falcoia in all things. "I have made a vow never to consent to the slightest doubt about my vocation, and to obey in all things Falcoia" (Berthe, ibid., page 125). Therefore, he had addressed her in such a way that not only would she obey him without delay, but also, as far as possible, that she would have the same mind and the same thoughts as he, in all things. But the quietude of Mary of the Celestial Glories in the judgment of Falcoia is something that will not be doubted, as it is written by the biographer, Father Berthe (Chapter II, in its entirety), and by other historical documents.

[*Latin ed. p. 708*]

708 FROM THE SACRED RITUAL, concerning consultations. The arguments for this are found in the words of a certain letter, sent to Saint Alphonsus, Bishop of Stabiensis, on March 16, 1733, which reads as follows: "Send me the letter written to Celeste." On the following page, the following are read: "I am sorry for the weeping of Sister Maria Celeste; because I am sorry for her sorrow. If that sorrow and weeping were to arise from the source of repentance, I would not be sorry, but rather I would rejoice. However, I earnestly desire that all possible diligence be used to discover the reason for her weeping, and what things have passed between her and Father Silvestro (Tosquez). The Confessor, the Mother, Sister M. Deodata, Sister M. Cristina, etc., may not have any trace of what might shed some light on the soul of this poor woman and the monastery. What does this mean: that she cannot leave Father Silvestro because of the things that have passed between them? How do visions and revelations enter into this?" However, as we shall soon see, some of these things are not in conformity with the truth, even though they have been presented as if they were the most true things related by Falcoia. But since this man is endowed with such a character that it could be said of him: "eleven determined characteristics, which do not flinch before men, nor before events," and "he did not admit of half-measures" (Berthe, ibid., p. 138, 139); and since we should not be surprised if this controversy had such a strong advocate in

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Alphonsus, that Maria Celeste seemed to have received his writings, with a sharp and even somewhat harsh hand, from her moderator. Alphonsus himself felt this, and tempering the utmost severity of judgment and words with the utmost humanity, he sometimes said: "I am the one who wrote to you," perhaps with too much harshness. And elsewhere: "Why do you not believe me, how much it weighs on me to see myself sometimes forced to treat someone harshly, especially since I hold that everything is better done with kindness than with harshness." Again: "However, perhaps I have said too much because of a lack of reflection, and because of my indiscreet zeal, and you feel offended by me; I, on the other hand, always seek forgiveness, and I want you to expressly forgive me: and I would now be ready to kiss your feet a thousand times, if it were permitted, for having treated such a beloved bride of Jesus Christ so; and if Falcoia allows it, I want to publicly, before everyone, seek your forgiveness." These are the mildest words that must be added: "Everything that you have...

[*Latin ed. p. 709*]

From *S. C. Rituum* 709, it is written: "My dearest, I have written to you because I love you in Jesus Christ: if I sow evil, you will do me wrong." Having considered these matters, let us examine more closely those two letters of St. Alphonsus, which he diligently composed and which accomplish a certain purpose. Primarily, it is the matter of Mary Caelestis having withdrawn from Falcoia in order to moderate her conscience. Secondly, it is the fact that, when the matter of establishing a new Congregation was being discussed with Falcoia, she did not join that Congregation. As for the first point, who would imagine that that most holy man would have written about Mary Caelestis in such a way, and that he would have judged her, if he himself had been aware of all that the Handmaid of God has made most clearly evident in her response? In these letters, you will find nothing that is the product of human wisdom, nothing that is moved by the love of worldly things. Everything breathes humility of spirit: all things are directed towards sanctity, joined to truth. "In the name of the Father, and of the Son, and of the Holy Spirit, after a long prayer, I take up the pen, in the name of the Lord, to express my last (we will not alter the orthography) sentiments, so that I may never again open my mouth on this subject, nor may my pen ever write about it again, so that I may testify to my God, before this presence and before all the creatures of the world, the true state of my own conscience..." (Autographed letter of the Servant of God, Sister Mary Celeste Crostarosa, date). Soon, she enumerates those reasons, because she had certainly deliberated and decided not to give her conscience to Falcoia any longer. Among these reasons, she does not mention divine inspiration: although she remembers that it shone upon her, she affirms that she did not, for that reason alone, acquiesce, because she could have been subject to deception and error. Now, consider these reasons: "The light, which I

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received a year ago, I did not consider, nor did I expect it so soon, and there were motives and causes that led me to this resolution, and that led me to carry it out. The first was that for many years of guidance and clarity given to him, it seemed to me that the Father was in a certain darkness of mind concerning my ways, and this made me uncertain about the direction of the path, so that I judged that the Lord did not wish to be pleased with such a..."

[*Latin ed. p. 710*]

710 FROM THE SACRED RITUAL: Clarity and certainty of walking well and securely. ~ The second reason was that all my words, deeds, and actions, either through an abundance of spirit or through a certain extraordinary movement of divine purity, which often burdened me, would sometimes lead me to improprieties, without my realizing it; and he, by the will of God, would take them away from the left, without allowing the flood of those who were proceeding in my path to reach me; thus, his responses would impose upon me that good and that purity with reflections against the spirit of that simplicity which I found in myself, so that he would elevate me to the highest degree, and because he had all the credit and recognition, he caused me great afflictions of soul, especially because a certain fixed thought arose in me: that such a Father, not penetrating the will of God within my soul, could not guide me along that path, which seemed necessary for the peace and quiet of my soul, and which seemed to violate something forced upon me, and I could not achieve such a thing through his efforts, although with good intentions; thus, my soul found an impediment between me and him, which caused me great sorrow. — Thirdly, because observing him, I was doubtful about my procedures and I told him of such doubts that I felt in my soul, and I asked him repeatedly to seek counsel from another minister of the Church for the sake of my soul, especially concerning important matters; he attributed this to pride, disapproving of my desire, and thus, the soul had such an effect that it seemed to weep for the things that he said. I never said that I would do so in order to advance even a little. But when the Lord was pleased to bring about the work of the new institute, and seeing that the soul had grown in its afflictions because, for some aspects of the soul belonging to the institute, the said Father, being within the community and among the brothers, where all union, peace, uniformity, and credit, or rather, esteem for the work, should be present, he labored to introduce doubts, difficulties, and oppositions, which caused disunion and doubts among the people who were to embrace the institute; and he did not absolutely allow such guidance, even though he was a holy man, allowing the soul to remain in peace and the brothers and congregants in holy freedom, since the work had already been approved by God; and to avail myself of the counsel of

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other guides, which I did with mature consideration.

[*Latin ed. p. 711*]

In consideration of what is prescribed by the Sacred Rites (S. C. Rituum 711), it is not done so much for the sake of pleasing others, but for the sake of God Himself, and for the peace of one's own soul. How grave are these matters! And from these, it is clear that the Handmaid of God is free from any fault of levity, is not connected with any envy of Falcoia, is not subject to the impulse of any malicious men, and is not lacking in charity herself, whom other men rightly call holy. It is also clear that the Handmaid of God, after a very long interval, after many prayers offered to God, after divine illuminations received, as if compelled by necessity, or by counsel, has decided. What? Does the moderator, who should possess a spirit that anticipates the will of God, who should know what is most pleasing to God, ignore, or does he appear to ignore, what is best for the Handmaid of God? The Handmaid of God, enveloped in so many anxieties, asks for at least one approved minister of the Church to be assigned to her, while Falcoia, on the other hand, accuses her of pride; and yet, in all these matters, she must persevere, without any possibility of withdrawing. Indeed, I do not consider it presumptuous to dare to engage in a discussion about a moral matter before you, most learned Fathers. But to me, the heavenly utterances of the Sacred Scriptures often come to mind, and the thought occurs as to why it sometimes happens that men make the yoke of the Lord more difficult, that which is pleasing in the testimony of the Holy Spirit, and impose a burden upon their shoulders, which the very Spirit promised would be light. I remember that when, as boys, we were instructed by a pious priest in the rudiments of the most holy Religion, he taught us many things about how to begin and how to continue a Christian life. And then I remember him saying to us that great progress in our lives would result from being guided by a pious and learned director of conscience, but in such a way that we would choose the best one, to whom we could have the fullest trust. This, of course, should not diminish the power of our own free will. And also, these words of the most blessed Francis de Sales come to mind, who wished to give these admonitions to confessors and directors of souls: "Beloved brothers, your mouth is like a channel, through which peace passes from heaven to the men of good will." And again: "Remember that the poor penitents call you Father at the beginning of their confessions. Always have a paternal heart turned towards them, and receive them with great love." (St. Francis).

[*Latin ed. p. 712*]

712 FROM THE SACRED RITUAL, concerning the manner of conducting oneself in the presence of the Seat [of Mary], proposed as a model for pious souls, especially for Priests (Part III, Chapter I, pages 138, 139). Indeed,

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I do not doubt that, with regard to Sacred Virgins, who live enclosed, the wisest laws have provided that a certain discipline should be established, both concerning the number and the selection of Priests, who are needed either for hearing confessions or for guiding their consciences. But, since it is known that the holy laws of our all-powerful Father are not intended to destroy, but to build up, it was also provided that, for cloistered Nuns, confessors, whom they call "extraordinary," should be denied: by repeated decrees, it was determined that all and each of them, even if they do not request it, should be offered to them at certain times of the year. And who would doubt that this doctrine, so pleasing and so mild for the good of souls, has been embraced by St. Alphonsus? For he expressed it, not only in his writings, but also in his daily practice, and especially in his tireless work, both for the Christian people and for those who had undertaken a more perfect course of Christian life, always proposing what was milder, if possible, and being stricter with himself, and most gentle with others. Therefore, even in his letter to the Most Holy Mary, feeling that something should be granted to her freedom, she has the following words, which compel the Reverend Father Berthe to reflect: "At least do not listen to the advice of those who, like Falcoia, are displeased with you: seek help, do not walk blindly towards perdition, and seek advice not to force you to reason, but to know and then embrace the truth that is being suggested to you." But this most holy man was completely unaware of Falcoia, who later proceeded to impose on the Most Holy Mary the vow of obedience, and to separate her from her spiritual guide, at a time when it had already become necessary for her to seek the counsel of another Priest, if she wished to obtain any authority. All these things, if Alphonsus had foreseen them, I believe that, with his prudence, he would have asked: "Tell me, Most Holy Mary, why did you leave Falcoia?" But she urges: in all of this, Falcoia believed that obedience was to be rendered to God. Very well. But I do not want you to think that she acted in a way that was not the most suitable for proving the virtue of the Handmaid of God, and for bringing about the greatest possible benefit to her soul.

[*Latin ed. p. 713*]

From the Sacred Ritual, section 715, paragraph 2, it must be noted that Alphonsus, having examined the Handmaid of God, judged that she had not given sufficient consideration to the matters concerning the pregnancies of the women under the care of the Falcoi, when the new Sodality was being established. And it seems to me that the truth shines forth so brightly in what Maria Caelestis wrote in her response to St. Alphonsus, that I cannot refrain from bringing it before your eyes, most esteemed judges. She says: "The second article of my declaration concerns the actions taken regarding the new Institute, and therefore I believed that the commands given to me by the Lord were true, and that I was obligated,

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by strong internal convictions, to manifest what I had received, and to clarify the things that God had commanded me to do for the execution of the Work, and that in its execution, there would be no pride in giving glory to God, as there would have been in past years, when it was not necessary to defend, but only to seek, whether it was from God. Now, as it was necessary to defend, so now it seemed necessary to manifest and zealously uphold what was the glory of God; and to do this without fear, fulfilling the parts of God, and this is not for me: therefore, I did not feel obligated by conscience to resist those things that were being done, which I believed could impede, or hinder, or obscure the free execution of the Work of the Lord; to this effect, I expressed my sentiments in the person of those who opposed, for pretexts, although good, but of little importance, and I added that in various matters, I perceived inventions of the Devil, to disturb and impede as much as possible what was pleasing to Him; but in such matters, it seemed to me that I felt a great horror and disgust in my life, thanks be to my Lord."

It is clear that no one can deny the force of the words written by the Handmaid of God. Indeed, Maria Caelestis affirms that, if she could not, with a good and upright conscience, favor all the things that were done, with regard to the establishment of the new Congregation, by Falcoia, then nothing could be more appropriate than to say that the actions of the Handmaid of God, as the moral philosophers say, are not only free from all blame, but are also worthy of eternal reward. For if, according to St. Alphonsus himself, conscience is nothing other than the judgment or dictate of practical reason, by which we judge what is to be done here and now for the good, or to be avoided as evil (Moral Theology, Volume I, Book II, Tract I, Chapter I, page 1), then it naturally follows that...

[*Latin ed. p. 714*]

714 From the Sacred Ritual, when the Handmaid of God was judged by those with whom she associated, and they accused her of acting improperly, she inquired whether they could find any fault in her actions. She truly said that they could not find any fault in her human actions. I hear you insist: could not an error have entered into her conscience? But I reply: if an error, and an invincible one, as they say, was present, then there is no fault; for error is in the judgment of the mind, but fault can only affect the will, which, as has been stated, could only have been directed towards the apprehension of good. Indeed, the divine Thomas so eloquently transmits this doctrine: "A human act is judged virtuous or vicious according to the good apprehended, to which the will is directed, and not according to the material object of the act." Although we do not judge that an error entered the mind of the Handmaid of God, it is nevertheless clear to her, as has been demonstrated above, that the revelations she received, concerning new rules and the founding of a new Sodality, were from Saint Alphonsus,

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from Falcoia himself, from Bishop Santoro, and from other theologians, and were recognized by many as divinely inspired; therefore, she had a private reason, as they say, to believe that there could be no other reason for her to adhere to them, except for divine authority. Indeed, her conclusion was: "I believed that those things that were being done could impede, thwart, or obscure the free execution of the Work of the Lord." Therefore, what is to be wondered at if, "not for my own honor or esteem" (which she has always, with God's help, professed to have avoided), she "felt it necessary to manifest and defend what was of God"? What is to be wondered at if she "received commands from the Lord"? Indeed, she was "compelled by strong convictions to manifest what she had received and to clarify the things that God had commanded for the execution of the Work"; and it was not doubtful to her: "that in the execution [of the Work] it would be a great offense to give honor to man, as it would have been in past years, when it was not necessary to support, but only to seek the honor of God." Therefore, if these things are considered, I believe that you will judge that Mary Cadesti acted not only well, but also rightly, as I said, with knowledge. For it is not doubted that Alphonsus himself, who later did so much for the most holy Mary, after reading the letters she sent, plainly changed his opinion.

[*Latin ed. p. 715*]

From the Sacred Canons of the Ritual, 715: Furthermore, besides these two points of difficulty, which we have already mentioned, Alphonsus, in his letters, raised another matter, which could seem to induce a certain suspicion in the mind. Indeed, that most holy man appeared to show a preference for Mary, the Heavenly, over Sylvester Tosquez, and he added his own sentiments to this. He also warned that, in this entire controversy, nothing of the former zeal for humility should be lost, which is so necessary for the Saints, so that, without it, none of their virtues could endure. As for Sylvester Tosquez, God had endowed this noble man, distinguished by singular gifts of nature and of grace, in both the humanities and other disciplines. He was a layman, but he felt himself called by God to the priesthood, and he was already preparing himself to receive that vocation. Meanwhile, as his doctrine and piety were well known to all, at his request, and with the consent of the Most Reverend Bishop of Sant'oro and Falcoia, he was granted the opportunity to visit the monastery of Scala repeatedly, and to converse with the nuns about matters pertaining to the pursuit of perfection. When the new Institute was being founded, Tosquez was among the first, and he promised to give it his name. Among the first, however, was also one who refused to remain in Falcoia, and this man was almost immediately seen as the arbiter and master for defining everything. And I do not see any fault of arrogance in this matter. For everything was still in its entirety, and everything was still being freely discussed, as to what

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would better serve the glory of God, what would benefit the good of others, and what were the most suitable norms for religious life. In addition, it was widely known that Alphonsus, and not Falcoia, the founder of the new Congregation, had been chosen by Divine Providence. Therefore, the members, far from separating themselves, readily affirmed that they would not hesitate to remain with him. And indeed, it was so that, even though they rendered homage to the merits and holiness of the Bishop of Castellamare, nevertheless, they did not admit any interpretation of the revealed rule given to Mary Celeste, and, after all, they said, since God had not charged the Bishop of Castellamare to direct the Institute, not only are the members not obliged to obey him, but they cannot, in conscience, accept his direction.

[*Latin ed. p. 716*]

716. The customs and practices of the Religious of Mary, which were observed in Scala under the direction of the Bishop of Scala, concerning the rules to be observed and the establishment of the Institute, were, as we have seen, motivated by a certain inner conviction, and yet, in order to openly express her sentiments, it was easily understood that the Handmaid of God, as if deprived of the eloquence of the most skilled orators, had dedicated herself to this cause, and had even begun to pursue it with a certain spiritual love. Concerning this matter, a rumor, full of suspicion, spread through the monastery of Scala: and indeed, very serious accusations were made against the reputation of that noble and virtuous man, whom they even dared to call a hypocrite. These rumors, and these accusations and insults, did not remain within the walls of the monastery, but also spread among the common people. All of this is narrated more fully in the life itself, which the Handmaid of God left behind. I believe that this was the last thing she wrote. But certainly, the rumor and the suspicion of which I spoke reached her ears. And then, suspecting something, she questioned Alphonso himself, and entrusted him with the task of investigating the whole matter, as mentioned above. Now, we have seen that the Handmaid of God did not speak in order to please this man, but spoke for entirely different reasons, which I will now explain more fully. Firstly, because she did not wish to be involved in matters that were good, because they arose from turbulent causes and from contentions, instigated by the enemy. Secondly, because the operations were too violent and lacked prudence, without considering what might happen to the reputation of the Institute or of the people involved. Thirdly, because the whole matter originated from people who were interested in it, and because the actions and movements of these same people were motivated by passion, even though they often used inappropriate and flawed words against the person concerned.

[*Latin ed. p. 717*]

From the Sacred Canons, 717, it is evident that these are not the effects

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of true zeal for God, but rather the illegitimate offspring of the sanctity of one's neighbor, which, rather than diminishing, actually aggravates the sins and manifest vices of one's neighbor. Fourthly, because the words and actions of that individual were interpreted in the most sinister sense, even those that could never be interpreted in such a way, even the simplest words and actions spoken or performed by him in my presence, were interpreted with a different spirit and intention than that with which they were uttered. Fifthly, because such things were propagated with ease and with undue eagerness, and more than was necessary to achieve the just intention that was sought. Sixthly, because investigations were made into the most hidden aspects of the spirit of that man, a judgment which is reserved only to God, and which is not permitted to men without the penalty of sin. Seventhly, because this discernment of things was made by women of little understanding, who are ignorant, and who do not know where the line between vice and sin lies, nor where the line of virtue lies. Eighthly, because such arguments were presented as if they were unexpected and accidental, which no man in this life is exempt from, however perfect he may be. However, that man, with open communication, and we with him, spoke frankly about the things of the spirit, revealing his goods and his evils, his clear sentiments, because he believed he was speaking with discreet people, with whom it is proper to say all sorts of things: believing that he was making a good impression by speaking of his blessings received from God, and always protesting and attributing them to God as his own; likewise, he spoke of and accused his evils, his weaknesses, and his miseries, and we have seen with our own eyes him weep for them, sometimes still burdened with great timidity, and this in the presence of all; just as we openly spoke with him, for both good and evil. Tenthly, because the fruits of these actions performed by these people were troubled, restless, and shadowy, and they caused discussion and turmoil, and those who only sought to correct the things that were wrong were considered rebellious and blinded; from which persecution and scandal arose. So, considering all these things, my soul did not consider them to be good, nor to be born of God; therefore, just as they acted freely, on the supposition of doing justice to the truth, and of doing so in good conscience, so the soul considered these things to be evil, and consequently could never communicate with such sentiments, and would be acting against conscience, and therefore, disengaging beforehand from God.

[*Latin ed. p. 718*]

718 FROM THE HOLY RITUAL: Every genius, inclination, interest, effort, and satisfaction pertaining to myself, I have so many times presented before the Lord, seeking to know what I ought to do according to my conscience, and I have never found myself pleasing to God when sharing such sentiments. And finally, seeing that they had doubts that that neighbor

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would fare well, no act of charity was performed for him, nor was he even recommended to the Lord in prayer, as was done before, first as a benefactor; rather, he was named with horror, as a person excommunicated, as if speaking of him with contempt, not only, but saying that the Lord had perhaps aided him, illuminating his Church with the lights given against him and those Religious; therefore, it seemed to me a presumptuous arrogance on our part, miserable ones, to give so much credence to our ignorance, without fearing that we might deceive ourselves about the destination of that poor neighbor, perhaps more pleasing to God than to us. So, considering all these reflections that I had made about my own case, and in order to avoid being deceived, I firmly concluded that it was all a pure invention of the devil, in order to discredit the entire work of the Lord, and to make us distrust Him and His works, and the people, and to sow discord and disunion; therefore, it seemed necessary to me to discern who was speaking the truth and who was speaking falsehood, so as not to fall precipitously, from one side or the other, and so that I should not prejudice myself against my God, nor against people, nor against His work; and from this arose many of my actions and resolutions made up to now." Indeed, and with the most lucid spirit, Mary, the Celestial One, burned with that affection towards her neighbors: that affection, I say, which is not of any human and fleeting nature, but which comes from that divine charity, as the Apostle marvelously describes in his first epistle to the Corinthians. "Let not our affections be deceived by false appearances," he warns, "for charity is the greatest of virtues; it is patient, it is kind; it envies not, it vaunts not itself, is not puffed up, does not behave itself unseemly, seeks not its own, is not easily provoked, thinks no evil; rejoices not in iniquity, but rejoices in the truth" (Chapter XIII, verses 5, 6, 7). May it happen to me and to you that we may be filled with this most noble love towards our neighbors, with which the Handmaid of God, while she lived among us, was afflicted for her most beloved brothers in Christ! But one thing remains. What of that fear, Alphonsine, that the Handmaid of God, amidst a variety of opinions,

[*Latin ed. p. 719*]

From the very beginning, had humility, even to a slight degree, diverted the discussions and the contentions of spirits? We have already observed, and have even demonstrated with testimony, that in this manner, Ligouri's spirit was disturbed, because, when he had come to the monastery of Scala, intending to converse, Mary, the Celestial, did not approach Alphonsus, owing to an illness. This, however, being unknown to him, he suspected that the former fervor of Mary, the Celestial, had diminished. But it cannot be said that her virtue was diminished, since she always strove to refer everything good within herself to God, attributing nothing to herself, except that which she perceived to be evil. And it is certain that this was not interrupted in Mary, the Celestial, even during that time of so many afflic-

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tions. That she opposed others in discussion, or that she followed a less easily accepted opinion, she did modestly and prudently; and she never intended, nor did she propose to herself, to seek human praise, but rather to compare greater glory to God. And even during that time, when she endured so many grievous inconveniences, injuries to her reputation, and the most bitter attacks of spirit and body, she would have excused those who were so ill-disposed towards her, if she had relinquished, even in the slightest degree, the practice of heroic humility. But now, is a most clear and evident testimony on this matter not desired? Indeed, we have it in the very response in the letter which Mary, the Celestial, gave to Saint Alphonsus: "Therefore, before my Lord Jesus Christ, Judge and Creator, I renounce, I detest any illusion, or any light received, whether general or particular, or whether of the new Institute, or of the rules, or of the brothers, or the congregation of sisters of this community, so that I may know no more; for whatever is good, I do not renounce it: I renounce all my judgments, even those that seem reasonable, and my will, and every light, I renounce my own things and myself, as much as I have of the earth; I renounce them within me, I renounce them outside of me, so that I may never be attached to them, whatever they may be, and for any internal or external impulses that I may have, I do not accept them, I do not want them, nor will I attend to them, nor will I declare them; I desire only, from this moment forward, to have for my sole object my Jesus Crucified and the Holy Gospel and the Holy Faith. With all my strength, I will meditate day and night, because there is therein the certain way to heaven, desiring with all my heart only to attain my ultimate end, which is to unite myself as much as possible with my one and only good, and to please Him alone."

[*Latin ed. p. 720*]

720 FROM THE SACRED RITUAL: Are not these clear and evident signs of profound humility? Nevertheless, the Handmaid of God repeated these very words: "I declare to you all these same judgments and reasons, not wishing to retain or know whether they were just or unjust; but because they seemed just to me: now I detest and renounce them all; from now on, my guide will be my faith, that pure evangelical virtue which forms me, and I will be nothing else." As if to confirm that she had not fully revealed the entirety of her thoughts with these words, or that anything remained for the most humble of wills to offer to God as a sacrifice, she adds: "I am saddened and displeased that Monsignor Falcoia and other people have published about me and spoken ill of me at a time when I considered it proper to do so, although this displeasure was not for my own honor or because of the displeasure of my dishonor, but because it seemed to me that in this matter, the displeasure of my Lord was involved. But I detest such an erroneous zeal, perhaps hidden under its own love, under such a good purpose, so that I confess that I have erred, etc." Here, the most

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perfect discipline of sanctity has taught, and constantly exhorts, the disciples of Christ to pursue humility. They have shown the very summit and the greatest splendor of this virtue, for those who follow in the footsteps of the Divine Master not only consider themselves to be vile and insignificant, but they even desire and rejoice that they should be held in contempt by others. Hence that famous saying of St. Bernard: "True humility wishes to be considered vile, not to be proclaimed as humble, and rejoices in its own contempt." Indeed, the height of humility was reached by the Blessed Virgin Mary in that letter to St. Alphonsus, which is not so much a literary response as it is a most noble exercise of that virtue; you yourselves, judges, will see. What could be more humble, what more sacred, than those words with which she concludes and defines this letter? "I charge you, as my confessor, to beseech Monsignor Falcoia, the Community, and all the Brothers of the Congregation, that they may be pleased to publish all my imperfections and sins, to publish about me any other evil that they recognize in me, any lack of virtue, etc., and I ask this of them out of charity and love."

[*Latin ed. p. 721*]

"From the Sacred Ritual, 721, our Lord Jesus Christ; that to my Lord may be restored the glory and honor taken away through my fault, I shall have the greatest pleasure and satisfaction until my death, and for all the world, my mouth shall be filled with praise, and even on the day of judgment, let no one believe otherwise, for I desire only my God, and to please Him alone." It is also to be noted what should be considered concerning those two letters written by St. Alphonsus. Indeed, at first glance, they seem to present a foundation for certain objections from the most learned Promoters of the Faith. However, since it is fitting to compare them with the response of the Blessed Virgin Mary, which is the declaration and legitimate commentary on those letters, it is easily understood that nothing remains to be added in this sacred forum, and therefore it is permissible to interpret them in favor of the Handmaid of God. And the true history of the events, as confirmed by this kind of document, demonstrates that the Handmaid of God, in this entire controversy, the Scala being mentioned, did not lack any fault, but rather, she received a new and even greater opportunity to prove her heroic virtues and to shine forth. Therefore, it is not surprising that even Falcoia, the judge, who is to be commended for his prudence, after reading the letter of the Blessed Virgin Mary, did not hesitate to write these words: "The letter of Celeste is most judicious." And it also happened that St. Alphonsus, upon learning of this, and not having known how much esteem he had for her sanctity, considered the Handmaid of God even more highly. This is confirmed by the letter from St. Alphonsus to Mary Celeste Poppa: "Then send this letter secretly to Sister Mary Celeste... and also tell her from my side that it is a matter of great glory to God." The life of the

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Handmaid of God, as written, also agrees, as well as the testimony given in the Process. "And it is certainly true that St. Alphonsus always held the Servant of God in high esteem, and whenever he passed through this city of Foggia, he would visit her, and once, six years after the events mentioned, he said to her that that monastery of Scala had not yet been quieted, and with other testimonies, he demonstrated in what esteem he held her." And this is also clearly confirmed by R. P. Berthe: "A new monastery, erected seven years ago in Foggia, consoles the poor: it was the monastery of Saint-Sauveur, founded by Sister Mary-Celeste Crostarosa, the religious whose servant God was to make known His Acts, Vol. XXXIV, page CDVIII, 46."

[*Latin ed. p. 722*]

722 FROM THE SACRED RITUALS. For the first time in thirteen years (having already seen Alphonsus for six years since his departure from the monastery of Scala, a servant of God), he saw this heavenly sister, so intimately united with God and so sadly removed from Scala. Admiring the fervor of the monastery and the growing virtues of the foundress, whom the entire city venerated as a saint, Alphonsus praised the decrees of God, which had chosen her for heaven by ways known only to Himself. Indeed, this is something which we gladly keep before our eyes and which we deem worthy of repeated consideration, when the following observation occurs, which the most excellent Defender of the Faith uses to put an end to objections. He writes: "Nevertheless, the most heavenly Mary could not be broken, and therefore she preferred to be exiled from the monastery of Scala, rather than to deviate even slightly from her original intention." The clear light of truth has now demonstrated that it was not Mary of Scala who willed to be exiled from the monastery of Scala, but rather that the tenaciousness of her purpose drove her to be expelled by Falcoia. For no one can now, in good faith, ignore the condition that was imposed upon the servant of God, by whose command she was to be expelled, or would wish to expel her. And although this was done most imprudently, and unjustly, and although Mary of Scala believed this to be the case, she could not, without sinning against the law of conscience and doing an injury to God, yield to men: for as the Apostle says, as moral theologians explain, "Whatever is not of faith is sin." And in this, there is nothing to condemn, but rather everything to praise in Mary of Scala, and no one of sound mind will ever deny it. The brother of Mary of Scala was a priest of the Society of Jesus, a man conspicuous in Naples for his life of probity and his teaching. When the servant of God asked him what he thought of the action taken, and what was imposed upon her by Falcoia, he replied: "Not only was she not free to make the request that was demanded of her, but that, given her long and interior sufferings, she could not, without imprudence, alienate her freedom." While she was in Nuceria, Bernardine Sommantic, a man of conscience, was appointed as her director, whose prudence and

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sanctity of morals were widely recognized. After having listened carefully to everything that Mary of Scala recounted about her troubles, he gave this judgment: "You are surprised that you have used your spiritual director for so long in Falcoia. But many more things are accomplished by charity."

[*Latin ed. p. 723*]

From the Sacred Canons of the Council of Trent, Canon 735. Furthermore, since justice and the defense of the truth demanded it, it suffices for the historical and hagiographical truth of the Most Holy Mary, Celestial Rose, to have been established. However, I believe it will be a great comfort to us, if, leaving aside human philosophy, we raise our highest thoughts to the Divine Faith. Then, it occurs to me what Thomas à Kempis once wrote: "Even if you are exposed to various temptations and adversities, order everything for my benefit, who have been accustomed to prove your devotion in a thousand ways" (De Imitatione Christi, Book III, Chapter LIX, number 2). Indeed, if we were to consider human reason, we could not possibly understand the sorrow that the Handmaid of God must have felt. But we also marvel at her patience, which is especially evident in enduring those very great and most bitter sorrows that we have mentioned. In those circumstances, there was no voice even slightly harsher, no question even slightly more severe, and certainly no judgment, not even the smallest, that did not consent to the Divine will. And if she did utter a voice, it was the one in which the Celestial Mary affirmed that the merits she was receiving were those she deserved, and that she was being treated with greater mercy than she had hoped for. It is through this patience and humility that it came to pass that, leaving the monastery in which she had spent so much time, and for the benefit of which she had endured so many hardships, she was embraced with great affection by her sisters, kissed the hand of the abbess, asked for the forgiveness of all, and commended herself to their prayers. Thus, the Lord exercised His most beloved Handmaid, and tested her as gold in the furnace, so that whatever could adhere to her soul from earthly attachments might be consumed and purged by fire and tribulation. And indeed, since God is Himself the end, and necessarily regards His own honor and glory, He often employs many of His servants, whom He has made more worthy and more apt for His divine work, to achieve this. It is certain that, through the most wise counsel of Providence, God willed that Mary, Celestial Rose, should be followed by those who departed from the monastery of Scala, and whose memory is repeated. Therefore, I gladly assent to what the most illustrious Father Berthe wrote, and I will conclude with his words: "The destiny of Sister Mary-Celestial-Rose was even more extraordinary. Sent to Scala, she was, at the request of the Bishop, in a monastery in Nocera, which was in great need of reform. Under her

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government..."

[*Latin ed. p. 724*]

724 FROM THE SACRED RITUAL, the maternal virtues flourished where laxity and disorder had reigned. After having devoted six years to this work, at the urging of the notables of Foggia, she founded in that city the monastery of the Holy Savior. There, for seventeen years, she, through her heroic conduct, was an edification to the sisters, as well as to the young girls entrusted to her care. The entire city held her in such veneration that she was never called anything other than "the holy prioress." Alphonsus came to have her during a mission he gave in Foggia, and he consoled himself with her for past sorrows. During his journeys through Apulia, the brother Gerard, now on the altars, loved to confer divine things with the venerable sister. On September 14, 1755, after a life filled with merits, Mary Celeste prepared to appear before God. "Read to me the Passion of the Savior," she said to the religious, and they did so. And when the words "It is finished" were pronounced, she gave her last breath. At that very moment, the blessed Gerard, himself ill in Caposele, far from Foggia, said to the brother Stefano who was caring for him: "Mother Mary Celeste is receiving today the reward for her great love for Jesus and Mary; I have just seen her soul fly to heaven." God Himself took care to confirm these words of His servant. The body of the holy religious woman has been preserved intact to this day. Numerous miracles worked at her tomb have spread her reputation for holiness throughout." Op. cit., book II, chapter II, pages 140, 141. Nevertheless, despite all the difficulties, which, in order to elicit the truth more clearly, had been raised by the Most Reverend and Illustrious Promoter of the Faith, the firmness of the proofs having been demonstrated, the sanctity having been shown, and all obstacles having been overcome, nothing remains except to expose, with equity and wisdom, the sacred matter, which is the sign of the introduction of this cause. And indeed, this is what is most earnestly requested of us by the Most Reverend and Illustrious Archbishop of Naples and Capua, as well as by the Most Reverend and Illustrious Archbishop of Bari and Siponto, together with many other bishops: namely, the Congregation of the Most Holy Redeemer, with which Mary Celeste Crostarosa had a particular bond of connection, the Fodian monastery founded by the Handmaid of God, and the monastery of the Sisters of the Most Holy Redeemer in Mechlin.

[*Latin ed. p. 725*]

FROM THE SACRED RITUAL, 725: The Handmaid of God is praised and venerated. The fervent prayers of the entire clergy and people of Fodi are offered, and in the first place, the Postulator and advocate for this cause, the Most Reverend Dom Petrus Crostarosa, Archbishop Urban, together

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with his most distinguished relatives, to whom it has been granted to honor the Handmaid of God Crostarosa. We have seen, and we are grieved, that a new and terrible war, instigated by nefarious deeds, has been stirred up in Gallia, Hispania, and Lusitania against the religious congregations. How much these enemies of the Church have always hated, and continue to hate, those who, having renounced earthly delights, are inflamed with the love of a more perfect life, and strive to conform themselves to the evangelical counsels! May the most wise Judges favor our cause, so that they may publicly vindicate and confirm the virtues and sanctity of the Heavenly Mary Crostarosa. And may it also come to pass that this new strength may increase, and that the splendor of their judgment may be poured forth upon the history and deeds of those religious men and women, who are a beautiful ornament and a strong defense for the Church, and who, by the example of their lives, never cease to teach the Christian people that we must attain eternal happiness only through the strenuous and eternal struggle against the passions of this world.

FROM THE SACRED CONGREGATION OF THE COUNCIL OF MONTISALTI, REGARDING PAROCHIAL RIGHTS, December 14, 1901, and April 26, 1902. Session 21, chapter 4, concerning reforms.

COMPENDIUM OF FACTS: In the diocese of Montisalti, in the town of Montisdenovem, there are two parish churches, one dedicated to Saint Lawrence, and honored with the title of Praepositura, the other to Saint Mary, and designated as Prioratus. One is not distinguished from the other, as is customary, by reason of territory, but the Praepositura of Saint Lawrence encompasses the entire territory and is distinguished from the Prioratus of Saint Mary in this way.

[*Latin ed. p. 726*]

726 FROM the decrees of the Holy General Councils, certain families of parishes are established under which the parish priest of Saint Mary exercises his ministry. Therefore, the jurisdiction of the Rector of Saint Lawrence is territorial; whereas the jurisdiction of the Prior of Saint Mary is personal, or familial. The origin of these churches is obscured by the darkness of antiquity, but their origin can certainly be traced back to the monks of Saint Benedict who inhabited the Abbey of Saint Savior Major, near the river Asum, as can be seen both from the decree of July 31, 1456, by which the Vicar of the Abbey of Farfa exempted the parish of Saint Lawrence from the jurisdiction of the Abbey of Saint Savior, and elevated it to the dignity of a Rectorship, and from the Brief Singulari diligentia issued by Urban VIII in 1629, by which both monasteries, namely the Abbey of Saint Savior and the Priory of Saint Mary of the Cells, were suppressed, and the benefices belonging to these churches were transferred to the secular state, or, as they say, secularized. From then on, the Church of Saint Mary of the Cells became a secular parish. However, the time and the decree by

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which its personal jurisdiction, or familial status, was established, cannot be ascertained from any certain document, although it is clear to all today that the Church of Saint Mary does not have a defined territory, but rather possesses a certain familial jurisdiction. Given this condition of the two parishes, it is not surprising that frequent and difficult-to-resolve disputes have arisen; for such a condition is certainly not ordinary, nor is it in conformity with common law.

— A recent cause of controversy was a certain chapel, a filial church under the title of Saint Thomas of Canterbury, which one and the other parish priest claims as belonging to his jurisdiction, as if it were subject to his private jurisdiction. Long ago, or in 1762, the Rector of Saint Lawrence brought up this matter of rights before the Sacred Congregation of Councils, with a written petition; but the outcome of this request is unknown, because, as is said, no relevant document has been found either in the archives of the Sacred Congregation of Councils or in the archives of the Curia. The desire to put an end to the deeply rooted cause of these constant disputes has led the current Rector to appeal to the ordinary judge.

[*Latin ed. p. 727*]

MONTISALTI 727: Certain questions were to be clarified, which are enumerated as follows, and the following decree of the Curia, published on June 5, 1899, provides the judicial decision: "Reverend Father James Agasucci, pastor and rector of Saint Lawrence in Montisdenovem, presented a petition to this Episcopal Curia on the fifth day of the past month of April, in order that the following questions might be resolved: "I. Does the parochial authority pertain to the pastor of Saint Lawrence, or to that of Saint Mary of the Cells? "II. In what sense should the jurisdiction exercised by each pastor within the same territory of Montisdenovem be understood? "III. To which pastor should those who live together in the parochial house with the Prior of Saint Mary be subject? "IV. To which pastor does the right belong to associate the body of a deceased person outside the boundaries of Montisdenovem, if it is brought to the cemetery of this place? "V. To which pastor does the right belong to distribute the Blessed Sacrament and to perform other functions in the Church of Saint Thomas of Canterbury outside the walls? "After all matters were duly considered, and after the truth was brought to light through arguments and documents presented by both sides, we respond as follows: "Regarding 1. Since each pastor is a shepherd in his own parish, the question of primacy cannot arise except in relation to the functions that each pastor performs, as it were, in common. Thus understood, it is clear that the primacy must pertain to the pastor in whose church the sacred functions are performed. "Regarding 2. The jurisdiction of each pastor in Montisdenovem should be understood in such a way that it is exercised within the same territory, with this distinction: that the Prior of Saint Mary has subject families which are designated by a specific

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family name; the Rector of Saint Lawrence has all the others, whatever their name may be. The Prior follows his families within the territory; the Rector follows within the territory. He increases his flock if families of the same name multiply; the other increases his flock.

[*Latin ed. p. 728*]

728 FROM THE DECREES OF THE COUNCIL, it also concerns the arrival of any person, or family, who chooses Montisdenovem as their dwelling. In summa, the Prior of Saint Mary of the Cells exercises jurisdiction over the territory of Montisdenovem because families subject to her are found there; and the Prefect of Saint Lawrence exercises jurisdiction over families because they reside in that territory. "Therefore, it follows that the Prior of Saint Mary has the right within the territory of Montisdenovem to walk in her priestly vestments, exercising all parochial rights or offices, such as, for example, in processions with the Most Holy Sacrament, or with the relics of the Saints; in bringing the Most Holy Viaticum to the sick; in bringing the bodies of the deceased to her church and from there to the cemetery; in performing a procession to visit the cemetery, and there, if she wishes, celebrating funerals and giving sermons.

"III. As all canonists teach, every parish essentially consists of three things: namely, the people, the pastor, and the territory. Therefore, it is clear that a parish cannot be conceived without a territory, or that the territory is so dependent on the pastor that it excludes the jurisdiction of another; or that it is of such a nature that it is common to two, or more, pastors, as often happens in parishes of heathens. Regarding the question proposed, it must be investigated in what sense the church of Saint Mary of the Cells, and the parochial house attached to it, are located within the territory. Indeed, that this territory is exclusively dependent on the pastor of Saint Mary, and not on another, is clear both from the origin of this parish, and from the nature of the house and church themselves. From the origin, because the house and church were exempt from any jurisdiction of the pastor of Saint Lawrence, as they pertain to the monks of Saint Benedict; and from their nature, because when the house and church first began to be parochial, they also began to be subject to their own pastor. Therefore, the church and house of Saint Mary of the Cells constitute a completely independent territory, and free from any bond of foreign subjection, and therefore those who reside in the house of the Prior of Saint Mary of the Cells are subject to her jurisdiction, and not to that of another."

[*Latin ed. p. 729*]

MONTISALTI 729. The superiors of St. Lawrence are to be considered entirely subject [to the authority of the Prior of St. Mary]. And this is so true that, on occasion, the Prior of St. Mary has presided at the marriages

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of those in her household, while the superiors of St. Lawrence have objected to the validity of those marriages; which, of course, could not happen, nor ought it to happen, lest Christian marriage be turned into the most shameful of fornications. "Regarding IV. Since the Prior of St. Mary pursues individuals from her cells within the territory of Montisdenovem, whether it be for the celebration of a funeral, or for the association of the deceased, she must regard it as pertaining to her, just as to her own parishioner, provided that one of her parishioners has died outside the boundaries of the territory. And this must be understood not only concerning one who died accidentally outside the territory, but also concerning one who, leaving the parish of St. Mary, has established his dwelling elsewhere. For from the moment that the deceased enters the territory of Montisdenovem, the jurisdiction of the Prior of St. Mary is to be considered revived." "Regarding V. The question cannot be raised whether the Church of St. Thomas, being still dependent on the order of the Minor Franciscans, is to be considered exempt [from certain jurisdictions]." The decree was not accepted by the superior, who instituted an appeal before the Sacred Congregation of the Council and, through his appointed procurator, presented observations, of which the following is a summary. The procurator, first of all, stated that the questions had been raised long ago, and that the first question had been presented to the Sacred Congregation of the Council by the superior, Giustini, in a document of March 13, 1762. In this document, it is stated that the Prior had jurisdiction over certain families without any territory, even though these families resided in the parochial house of St. Lawrence; also, that the superior had jurisdiction over the entire territory of Montisdenovem, and counted his faithful even in the house of the Prior. This, it is said, had been the custom from ancient times and had always been peacefully observed, both by the current and by the former pastors. Now, the document continues, residing in the house of the Prior are Sac. Laurentius Sabatini, Anne Bruneiii, and her two nephews, none of whom are of the clergy; and yet, the current Prior has dared to perform parochial acts concerning them.

[*Latin ed. p. 730*]

750 From the deliberations of the Holy General Council. But what the outcome of this appeal will be, as I have stated, is unknown. Another question has arisen, the advocate continues, concerning the death of the Archpriest Angelinus, who was formerly the parish priest of Saint Mary's, but who was later called to the city of Monte Alto by the Bishop, and there was invested with the dignity of Archpriest in the Cathedral Church. There he passed away; but by the terms of his will, his body was to be taken to Monte Denove. Hence, a dispute arose: to whom did the association of the body with the Church of Saint Thomas belong, where funerals are celebrated? This matter was debated before the Curia, and on March 25, 1848, it was

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decided by the Vicar General as follows: "I am of the opinion that the association of the body of the deceased Archpriest Angelinus belongs to the parish priest of the Church of Saint Lawrence." The Prior acquiesced in this decision. A third question arose on the occasion of a marriage celebrated by the Prior between the physician Franciscus Giovannini and Philumena, the Prior's niece through his brother, with whom she was cohabitating. Thus it is written in the Marriage Book of the parish of Saint Lawrence, folio 42, number 261, on January 17, 1870: "Having dispensed with the customary announcements, the Reverend Felix Settembri, Prior of Saint Mary of the Cells, joined in marriage Franciscus, son of Joseph Giovannini and Laureta Jaccari, born in Castro Dementino on November 13, 1820, a physician residing in this territory since 1849, with Philumena, daughter of Anthony Settembri, born in Comunantiae, residing in this territory at the house of the Reverend Prior of Saint Mary of the Cells, her uncle. — The parish of Saint Lawrence is territorial, and includes all families and persons residing in this territory, whether native to the place or newcomers, with no regard to the reason for their residence; except only those families, or persons who, by reason of their lineage, belong to the noble lineage of the parish of Saint Mary of the Cells, wherever they may reside, whether within or outside the walls, or in one village or the other, and in either region. And it is evident that this is so, as can be seen in the ancient records of this parish, and especially in the register of the Dead."

[*Latin ed. p. 731*]

MONTISALTI 731, throughout, concerning deceased foreigners in this land, it is written: "Those who, as foreigners, belong to the parish of Saint Lawrence." Therefore, Philumena Settembri, being a foreigner, is to be considered as belonging to the parish of Saint Lawrence. It does not matter that she is the niece of the prior of the parish and resides in his house; for Agnes Paris de Rotella, sister, and from the house of the prior of Saint Mary of the Cells, was joined in marriage on March 6, 1690, with Francis Erei of the parish of Saint Mary, before the parish priest, Prefect Saint Lawrence, Francis Mary Diofebi, after the customary proclamations were made in the church of Saint Lawrence, and they received his blessing. See the Marriage Register, book 2, number 17, dated March 6, 1690. Thus, if any person, whether of foreign origin or a native of the parish of Saint Mary of the Cells, is a servant or a guest in a house that belongs to the parish of the Prefect, they will not, for that reason, be subject to the jurisdiction of the Prefect, but to the jurisdiction of the prior, and will receive the sacraments from him; and conversely, as can be seen in the Register of Deceased Persons, book 2, page 133, dated September 17, 1718; and page 139, dated February 2, 1724; also, January 5, 1743, from book 3; also, from the same book, May 7, 1747; and page 56, dated December 9, 1766; and January 15 of that year; and from a more recent book, dated April 27, 1848, etc. Nevertheless,

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the Very Reverend Prior Settembri, acting with foresight, considered that Philumena, being from his house, was also under his spiritual jurisdiction, and therefore, he joined the couple in the sight of the Church, thereby offending the aforementioned rights of the parish priest of Saint Lawrence. This offense to the law was borne with some reluctance, but with patience, by the same Prefect, lest scandal arise from the vindication of rights in this most miserable of times, where it seemed more prudent to remain silent and patient, rather than to loudly proclaim the rights. But so that he might not appear to have completely renounced or ceased to assert his rights, he inserted here, along with the circumstances and supporting evidence, the following: "This is to be noted so that, at the opportune time, justice may be vindicated." Then, in the same book, page 45, number 299, it is further noted: "We have seen and approve. Given at Montalti, during the course of the Visitation, on January 2, 1872. f Eleonorus, Bishop."

[*Latin ed. p. 732*]

732 From the Decrees of the Council: A question arose concerning the right to baptize a child, born to a mother who was a parishioner of Saint Mary, and a father who was a parishioner of Saint Lawrence. Since these two lived together with the father, who was a parishioner of Saint Mary, the Prior claimed the right to baptize the child, arguing: "Where the head is, there the members are." However, the Curia, by decree of May 22, 1897, granted this right to the Rector of Saint Lawrence. With these facts established, the advocate proceeds to discuss the merits of the case and attempts to refute the decree of the episcopal court. Regarding the first question: whether the primacy of the parish belongs to the parish priest of Saint Lawrence, or to the parish priest of Saint Mary of Cellis, – the advocate argues that the question of primacy cannot be raised except in relation to the functions that each parish priest performs, and therefore, primacy should belong to the parish priest in whose church the sacred functions are performed. Furthermore, with regard to this judgment, the advocate points out that the question posed is not addressed, because it is not about the primacy of the parish priests, but about the primacy of the parishes themselves, so that their rights and privileges can and must be determined. Indeed, the question specifically concerns maternity, that is, to which parish it belongs; and in this sense, the right of one parish priest can indeed be limited by another. Moreover, the advocate admits that, due to a lack of documents, it is not permissible to claim true and proper maternity for the parish church of Saint Lawrence; however, he argues that maternity does belong to the same church, in relation to another church, Saint Mary of Cellis, which he calls "improper" maternity. In truth, according to the advocate, there is a certain preponderance that suggests that the parish of Saint Lawrence is older than the other parish of Saint Mary; to which is added that the former has always numbered a greater number of faithful

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than the latter, not only, but also that, being territorial, it has its population constantly increasing, so that, as is reported in the aforementioned Giustini appeal, in 1762 it numbered 650 parishioners, while now, according to the latest census records, these number 1345; whereas, on the other hand...

[*Latin ed. p. 733*]

Montisalți 753, in the parish of Santa Maria, it is evident, as time passes, that the number of parishioners is diminishing. In that year, 1762, 140 parishioners were counted; now, scarcely 56 are numbered, so that the day is not far off when, due to the lack of the faithful, the parish itself will be extinguished.

Furthermore, the orator notes, and improperly, the greater importance and distinction of the church of St. Lawrence are increasingly demonstrated, because its pastor is adorned with a more noble title (Reclusius, *De re parochiali*, title 6, no. 60). For the name of the Prior, by which the pastor of Santa Maria is commonly called, confers no honor, because it is merely a hereditary title from an ancient Religious Prior. Not so the title of the Prefect, which pertains to the pastor of St. Lawrence, as is evidenced by the aforementioned Bull of the year 1456.

The Prefect himself is the natural head of two canons devoted to that church. Moreover, the most powerful indications of this improper distinction are that in the aforementioned church of St. Lawrence, the Ordinary presides at the Apostolic Visitation, delivers a homily, and administers the Sacrament of Holy Chrism (Reclusius, *I. c.*, nos. 75, 76); that the same church gives the first signal on feast days and vigils, and likewise rings the first bells and strikes the first chime during the Holy Week (Reclusius, *I. c.*, no. 96); and that finally, all the solemnities throughout the year, such as the Nativity, Circumcision, Easter, Pentecost, Corpus Christi, etc., are celebrated exclusively in that church. Furthermore, the Prefect leads the first and third Rogation processions, while the Prior leads the second; the Prefect leads the procession on the feast of Corpus Christi, and the Prior leads another on the Sunday within the Octave.

It is not, the orator says, entirely superfluous to discuss such a primacy. For there is also a public reason why such things should be determined for each church, so that a scandalous disorder does not arise. He cites the example of the right to ring the bells and strike the chimes during the Holy Week. If the response to the decree is taken to mean that every pastor enjoys the same right in his own church, it would follow that sometimes one church, and sometimes another, would...

[*Latin ed. p. 734*]

734 From the Sacred Council, the first sign of discord arises, which is certainly contrary to Leo X's Constitution, no. 22, § 14, in which it is prescribed that the first ringing of the bells on Holy Saturday should pertain

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to the more worthy church, but in this case, it certainly indicates a danger, as happened under the predecessor of the present Superior, when the Prior of Santa Maria dared to ring the bells before giving the signal to the church of San Lorenzo. Reclusius, I, c, no. 53, teaches: "Nor should empty and useless things be said about the so-called rights of majority and matriculation: for they are of the gravest weight and importance, by reason of the hierarchical order, in which some are superior, and others are subordinate." Regarding this matter, the speaker concludes with the very words that this Author uses in I, c, no. 106: "Among which parishes, order and reason demand that some form of majority be recognized, as everyone, even unwillingly, must admit, as has been demonstrated." As for the second question, namely, how the jurisdiction exercised by each parish priest in the same territory of Montedenovem should be understood, because the Episcopal decree claims that the Prior of Santa Maria has jurisdiction in families where all rights, indiscriminately, are to be exercised within the territory of the parish, which belong to any parish priest in his parishioners, by reason of the territory; the advocate points out that this rule is not in conformity with law, because: a) The territorial parish priest is the lord of the territory; therefore, he can fully exercise his jurisdiction throughout the entire territory. b) The parish priest by virtue of citizenship is not the lord of the territory; but simply enjoys the right of servitude in a foreign territory. This is the common doctrine of the Canonists, which Emus de Luca summarizes in Dis. 20 De hirisd. no. 24: "And even according to that servitude, which a parish priest is obliged to endure within his own territory or boundaries of his own parish, towards another parish priest who has care per capita hominum seu per familias, as practice teaches in many places, according to the best doctrine of Geminiani in cap. Licet canon. no. 6, Paulus distinguishes, De elect. in the sixth, where if anyone has a parish of 3..."

[*Latin ed. p. 735*]

MONTISALTI 73 5: "For each person, or with respect to certain persons and families, such a parochial right does not adhere to the territory, but is nevertheless exercisable in whatever place those persons reside, and thus by a right of servitude, which other pastors are obliged to tolerate within their own territory and within their own boundaries." c) This right of servitude, pertaining to the parochial priest concerning the people within a foreign territory, as taught by the same Most Reverend De Luca, I, chapter 19, number 19, repeats only his own reasoning: "From the true and accepted principle that when jurisdiction is granted, all those things are deemed to be granted which are necessary for it to take effect, without which it cannot achieve its purpose." He then proceeds to state that the parochial priest may use the foreign territory only and to the extent that it is necessary for the exercise of his parochial jurisdiction. Therefore, he

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must not only use the same territory in such a way that, as far as possible, the territorial parochial priest suffers the least servitude in his own territory, for example, by taking shorter routes; but he is also obliged to limit this use to those acts only which are strictly parochial and which cannot be exercised without the territory, such as the blessing of Easter, the administration of the Eucharist, the association of the dead, and similar things, excluding therefore processions and other purely voluntary rites (Cardinal De Luca, I, chapter 19, number 25). However, the same De Luca, chapter 13, number 13, notes that the right to perform acts of devotion may belong to the parochial priest by a legitimately established custom. With these legal premises established, the author concludes that the jurisdiction of both parochial priests of Montisdenovem should be understood in such a way that it is indeed exercised within the same territory, but with this distinction: that the parochial priest of St. Lawrence, who enjoys territorial jurisdiction, may fully and freely exercise his jurisdiction throughout the entire territory of his parish; while the parochial priest of St. Mary, who possesses personal jurisdiction, may not use the same territory except by a right of servitude, and only for those strictly parochial offices which cannot be exercised without the territory. Therefore, the Prior of St. Mary indeed has the right in the territory of Montis-

[*Latin ed. p. 736*]

756 From the decrees of the Council, it is understood that the wearing of the tippet, even though it involves a shorter route, is permitted when bringing the Holy Viaticum to the sick, when accompanying the deceased to their church and from there to the cemetery, all of which are strictly parochial matters, and which cannot be exercised outside the parish; and certainly not indiscriminately, as is stated in the decree, in the exercise of all parochial rights or offices, and especially in processions. Furthermore, the advocate notes that certain voluntary and ritual acts pertain to the Prior of St. Mary according to legitimate custom, namely, the second Rogation procession, and another in honor of the Virgin Mary of Carmel (a half-circuit), the procession within the Octave of Corpus Christi, and another, commonly called "of penance," held every two years. Regarding the third question, namely, to which parish priest are subject those who live in common in the parochial house with the Prior of St. Mary, the episcopal judgment stated that these are subject to the parish priest of St. Mary. The opposing advocate, rejecting such a judgment, pointed out, because of the nature of the two parishes, namely, that one is territorial and the other is familial, that it clearly follows that all houses are subject to the Prefect; and that if any house belongs to the Prior, it is only by reason of its belonging to a family. Therefore, according to the opposing advocate, this response is contrary to another given in the second question by the same decree; for there it is stated that the Prior "increases his flock only if families of

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the same name multiply." It is irrelevant, the advocate argues, that the parochial house was formerly exempt; because the privilege of exemption is proper to religious orders and not to parish priests; and it matters little that perhaps the parish of St. Mary was formerly determined by the number of houses, when today it is certain (and admitted in the decree itself) that it is determined by the number of families. As for the principle upon which it is established, the

[*Latin ed. p. 737*]

The parish of Montisalto 737 belongs, by its very nature, to its own parish priest: "for from the very beginning, when houses and churches began to be parochial, they began to be subject to the parish priest." This principle, the advocate notes, should undoubtedly hold true even if it were to apply to the Prior, and should certainly be favored by the Provost. For, as from the beginning, and even today, he has the same parochial house attached to the church; and yet, if faithful people reside there as part of his community, they have always, both now and previously, been subject to the Prior's jurisdiction. Furthermore, the advocate insists, contrary to the decision of the Decree, that a practice consistent with law and equity exists, whereby both the Prior and the Provost have always pursued their faithful, even those residing in another's parochial house. Indeed, until the year 1762, in the appeal of Provost Giustini, this practice is said to have been ancient and in force. Moreover, very old parochial books of San Lorenzo exist, in which it is recorded that Provost Constantinus Paris, while Prior of Santa Maria, in the year 1690, joined Agnetem Paris, the Prior's sister, in marriage "in the rooms of said Prior, adjacent to the church of Santa Maria"; in the year 1718, he commended the soul of Maria Paris, who had departed this life; and in the year 1724, Anthony Paris was his parishioner: all of whom resided in the parochial house with the same Prior, as his own relatives. Later, these same parochial books show that, in the year 1766, Anne Bruneiii and Lawrence Sabatini were residing with the Prior, and concerning whom Provost Giustini had an appeal, and who completed their lives under the jurisdiction of the same Provost Giustini. If, indeed, the patron ever noticed (for things within domestic walls can often remain hidden) that the Prior had dared to overstep the limits of his jurisdiction, it is false that the Provost has obtained anything. On the contrary, as soon as such clandestine acts were revealed, he protested as much as he could, as, among other things, happened with regard to a marriage celebrated in the year 1870. Regarding the question of Quarten, namely, to which parish priest the *asAota* belongs, Tom. XXXIV, fase. CD VI II. 47.

[*Latin ed. p. 738*]

738 From the decrees of the Council: Concerning the association of a deceased person to the jurisdiction of the Prior of Saint Mary, even if the

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person, subject to that jurisdiction, dies outside of Fismes and is brought to the cemetery of this place, there is a disputed opinion as to whether such an association always pertains to the Prior of Saint Mary.

The advocate, opposing this resolution, points out that the question raised concerns precisely this case: in which a person, departing from the parish of Saint Mary, establishes their residence elsewhere, and there either dies or chooses burial in the cemetery of Fismes, but does not choose the parish of Saint Mary, or any other parish, for the reason that the deceased's body should be brought to the cemetery of Fismes. Indeed, in the decree, it is stated that both the funeral and the association of the body in this case pertain to the Prior of Saint Mary, and this because the jurisdiction of that Prior is considered to revive in this case. But the advocate replies that the jurisdiction of the parish priest revives only when the deceased has chosen his former parish for the funeral; not in other cases.

Furthermore, it is beyond all doubt that the deceased, about whom our question arises, having already departed from the parish of Saint Mary and established his residence elsewhere, is no longer a parishioner of Saint Mary. Therefore, the Prior cannot claim him by the right of the parish. But, the right of the parish being excluded, only the element of territory remains to resolve the question of the funeral, namely, the territory into which the deceased's body is to be brought. But the territory of Fismes does not belong to the Prior, but only to the Abbot of Saint Lawrence. Therefore, it seems to the advocate that both the association of the body and the funeral should pertain, not to the Prior, but to the Abbot. Moreover, it does not matter, according to the advocate, that the church of Saint Thomas, in which funerals are more frequently celebrated, formerly belonged to the Benedictine monks, and was therefore part of the ancient monastery of Saint Mary of the Cells: for he recalls that, through secularization, that parish changed its nature and, through families, lost all the rights and privileges that the monks had in their own domains. If, however, the church of Saint Thomas...

[*Latin ed. p. 739*]

MONTISALTI 739, concerning the Brothers Minor Franciscans, was transferred, so that, by virtue of the privilege of exemption, it would not pertain to Saint Lawrence; now, indeed, because the religious are no longer present there, that privilege of exemption has been annulled; and therefore, with the impediment removed, the aforementioned church has entered into the jurisdiction of the Ordinary, and is located within the boundaries of the parish of Saint Lawrence. Therefore, the orator argues, only the Prefect, and not the Prior, can consider the church of Saint Thomas, since it is located within the boundaries of his own parish, and can perform the funeral rites there, according to the will of the faithful

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who desire to have their funerals celebrated in that church. Regarding the fifth question, namely, who has the right to administer the Sacrament with the Most Holy Eucharist, and to perform other functions in the church of Saint Thomas outside the walls, the judge responded that the question was irrelevant, because the church of Saint Thomas, being possessed by the Brothers Minor Franciscans, was exempt. But the advocate, on the contrary, stated that, according to a report transmitted by the Bishop to the Sacred Congregation, it is clear that "the church of Saint Thomas is no longer exempt, but is indeed established under the jurisdiction of the Ordinary, who is accustomed to appoint a Rector there for the performance of the sacred rites." However, the manner in which the Bishop retains the church, and under what conditions, is irrelevant in this case; for this does not change the secular status in which the church of Saint Thomas is now found. And therefore, the rights of the parish priest, within whose territory the aforementioned church exists, must be determined entirely by common law, and according to the most celebrated Decree of the Sacred Roman Council, *Urbi et Orbi*, of January 10, 1703, in the latest collection, number 2123. On the contrary, the Ordinary gave the following letter to further explain the reasons for his judgment: "The questions which the Reverend Father James Agasucci, Prefect of Saint Lawrence in the territory of Montidenovem, raises in his appeal from our judgment, were discussed by this Sacred Congregation in the year 1763, when, indeed, his predecessor, Prefect Gaspar Giustini..."

[*Latin ed. p. 740*]

740 FROM THE HOLY GENERAL COUNCIL, those [measures] were instituted against the Prior of Saint Mary of the Cells, known as Bruneiii. Since the outcome of these [measures] is unknown, and furthermore, the Prefect Agasucci repeatedly urged us to bring the matter to a conclusion; we did not hesitate to comply with his requests, both to remove the disputes from the midst and to avoid the scandals that might arise therefrom. "As far as the matter itself is concerned, it is certainly not our place to defend the reasons with which we have attempted to clarify the proposed questions; however, we do not consider it inappropriate to note some things that clarify them, and to bring to light documents that, as if decisive, are presented by the Prefect from the books, especially those of the deceased and marriages, so that the extent to which they must be considered may be apparent. "Among these, there was once a distinction: the parish of Saint Lawrence was governed by a monk-vicar, while the other was subject to the Prior of the Monastery of Saint Mary of the Cells, who, as is evident from the surviving parish books, performed all the duties that are properly those of a true parish priest. "Nor is it to be considered that the aforementioned parish was without territory; for from the acts of the Municipality of Montedenovem in the year 1617 and subsequent years; from the Bull

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of Paul V, "Creditam Nobis," on the ninth of September in the year 1617, and from other documents, it is clear that the Church of Saint Thomas, and its vicinity with its rural houses, were subject to the Monastery of Saint Mary of the Cells, before they were handed over to the Reformed Franciscan Brothers. "However, in the year 1529, the aforementioned monasteries, with all their dependencies, were suppressed; not, however, were the parishes themselves annexed; but only the offices and benefices of that order were reduced to a secular status; and at the same time, provision was made that the Commendatory of Farfensearea should place secular priests in charge as perpetual Vicars, - who are obliged to exercise pastoral care and administer the sacraments to the respective parishioners, - as is read in the Brief of Urban VIII. "Indeed, the parish of Saint Mary of the Cells has..."

[*Latin ed. p. 741*]

MONTISALTI, in the year 741, is now considered as pertaining to the secular clergy; but how this occurred remains uncertain, for it is derived not from documents, but only from tradition, that the parish was established from families which had formerly been subject to monks, living either in the nearby Church of St. Thomas, or in other places dependent upon them. "Whatever may be the case, the following points seem to be deducible from what has been said: 1. That both parishes formerly had the same dependence on the monastery of St. Salvator; 2. That the Church and parochial house of St. Mary of the Cells, and also the Church of St. Thomas, concerning which there is also a question, were never subject to the jurisdiction of the Prior of St. Lawrence; 3. That the parish of St. Mary had its own territory, independent of another parish, within which was included both the house and the Church; and that this parish was never suppressed, but passed to secular priests with all its rights, as is stated in the aforementioned Brief of Urban VIII. "Just as the Prior of the monastery of St. Mary administered the Sacraments, except for the Sacrament of Marriage, to all those subject to him, so it seems that the secular Prior, as the heir to their rights, could also administer them to those whom he holds with him in the same parochial house; for this has not acquired a new nature through the secularization of the parish, nor has it ceased to belong to the territory of that parish. "Therefore, in order for the Prior of St. Mary to legitimately be removed from his position, it should be shown, if I may offer my opinion, either that the rights which he claims for himself are not the same as those which were enjoyed by the parochial Priors of the Order of St. Benedict; or that the exercise of those rights was conceded to the Prior of St. Lawrence, at that time when the parish became secular. Since neither of these can be proven, the right of the Prior of St. Mary does not seem to be validly challenged at

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the present time. "It is not proven first, that the Prior of St. Mary..."

[*Latin ed. p. 742*]

742 From the decrees of the Council, it is understood that the superiors of a monastery exercise jurisdiction over the persons within their house, who are considered as monks residing in the monastery. It is indeed true that he also wished to assist in the marriages of his domestic members, which could not be accomplished by the Priors of the monastery; but rather than arrogating a new right to himself, that is, exercising his own right, 1.° because, as we have said, the parochial house was part of the ancient territory; 2.° because the Priors of the monastery, possessing the natural right, by which, as parish priests, they were accustomed to assist at marriages, did not exercise it simply because they themselves lacked it; but rather because the persons attached to the monastery were incapable of contracting marriage: in other words, they possessed the right, but lacked the opportunity to exercise it. "It is not proven that the former occurred, because no document exists that demonstrates it, but rather what prohibits it is considered. To establish this in the present investigation, it must be noted: 1.° The Brief of Urban VIII is entirely silent concerning the parish of St. Lawrence; 2.° it expressly forbids that any right be acquired by the Ordinaries of the place through the secularization of parishes. "Indeed, that the parish of St. Lawrence, at the time of its suppression, was subject to the Bishop of Montalto, is evident from the fact that in the year 1624, that is, five years before the aforementioned suppression, during the Visitation, the Prefect was granted the right, in turn with the local community, to choose a preacher for Lent, and it was decreed that a stipend should be paid to him. "Nor does it matter that the commendatory Abbots contested the jurisdiction of the Bishop; as is evident from the Brief "Ex debito pastoralis officii" which Alexander VII issued in the year 1666 - to put an end to disputes that had arisen for a long time - such jurisdiction was recognized and confirmed. Therefore, since nothing could be attributed to the Bishops of Montalto through secularization, so neither could it be attributed to the Prefects of St. Lawrence, who were subject to them. If, therefore, the Prior of St. Mary could not, as a parish priest, subject his domestic members to himself; from whom would the sacraments be administered to his own domestic members, and whose marriages would be blessed? "This matter, considered in itself, is not without its significance. The suppression of the monastery of St. Mary was carried out through a Brief issued by Urban VIII on the eve of the Ides of September in the year..."

[*Latin ed. p. 743*]

MONTISALTI 745 no. 1629. As is evident from the baptismal register, which even in its initial state lacks five pages, the perpetual vicar, Petrus Angelini, administered baptism on August 13, 1629, that is, one month

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before the suppression. However, if account is taken of both the mutilation and other additions, Angelini himself was the parish priest for several years prior to that date. Since he governed the parish until the year 1639, it may be inferred that he governed it both as a monk and as a secular priest. Therefore, if what the Prior Agasucci contended were true, this would serve to demonstrate that Prior Angelini lost his position in the secular state, which he held in the monastic state, and that he could, as noted above, cede the rights of St. Lawrence to the Prior, which he himself could not exercise. "Hence, the Priors of St. Mary always assigned to themselves, as to their domestic staff, their own parishioners, as is evident from the parish registers of the years 1691, 1702, 1721, 1729, 1731, and 1735, and they administered the sacraments to them and, after their death, provided for them as we shall show below. " Therefore, not only does the law favor them, but also the practice of a very long time, which can give rise to prescription.

II. Now we come to the examination of the documents.

1. The Prior states, first, that in the book of the dead, under the date of June 14, 1729, it is written: "The Reverend Father Philippus Angelinius, a prebendary and beneficiary of this land of Montisdenovem, in the parish church of St. Lawrence of that place, died in his usual residence, in communion with the Holy Church, having received all the sacraments, at the age of approximately 80 years. His body was buried the following day in the parish cemetery."

From this, the Prior Agasucci infers that the parish priests of St. Mary, as was the case with Angelini, were subject to his parish if they were added to the Church of St. Lawrence.

R. This very fact was brought to light in the year 1802 by the Prior Giustini against the Prior of St. Mary, Andrea Lotti, who refuted it with the following reasons: 1.°

[*Latin ed. p. 744*]

744 From the records of the Council, the sacraments were administered to Angelini, a beneficiary, by the chaplain Caucci, and not by the Rector of Saint Lawrence; 2. During the lifetime of the then Rector, in order to resolve a question that arose, the body of the aforementioned priest was buried in the church of Saint Lawrence. The first fact demonstrates jurisdiction, but not the second; for the burial does not indicate parochiality. Thus, Lotti states: "And indeed, although the fact, as it stands, seems to indicate that the sacraments were administered by the Rector, a closer examination will reveal that the record is silent as to who actually administered them. And the fact that the burial does not indicate parochiality is evident from the fact that anyone can choose where they wish to be buried, even though, after the fourth day of mourning, the funeral expenses are to be paid to the deceased's own parish priest." (Barbosa, *De off. parodii*, chapter 25, paragraph 27 and following).

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2. Hieronyma Lupidi, from the parish of Saint Mary, after the death of her husband, who resided in Montalti, returned to her parental home, and on April 18, 1848, already near death, received the sacraments from the Rector of Saint Lawrence, and the funeral rites were also performed by him.

R. This fact seems to have no weight; because, since a woman follows the condition of her husband, she is considered to belong to her husband's family, even in the state of widowhood. Therefore, although Hieronyma returned to her parents' home after the death of her husband, she could nevertheless be considered, as a stranger, to be a parishioner of Saint Lawrence.

3. The Rector, Gaspar Giusi, in his records, describes the death of the priest Lawrence Sabatini, the uncle of the Prior of Saint Mary, on January 15, 1766; and on December 9 of the following year, the death of Anna Bruneiii, his sister, and affirms that both were parishioners, even though they both resided in the parochial house of Saint Mary. Consequently, the Rector Agasucci argues that the servants of the Prior should be subject to him, not to the Rector.

R. Even the Prior of Saint Mary describes the deaths of both, but in such a way as to supplement what the Rector omitted, and to declare what the Rector only hinted at. Indeed, the Prior affirms all the sacraments.

[*Latin ed. p. 745*]

MONTISALTI 745 states that he ministered to both [parties]; 2. that the other functions were performed by priests whom he had replaced; 3. that the funeral rites were completed in the Church of Saint Mary, and the bodies were buried in the subterranean church of the Holy Cross, which belongs to the same parish. How much weight should be given to the statement of the Provisor Giustini, that his parishioners were, in fact, Philip Sabatini and Anne Bruneiii! "It is true that he himself celebrated the funeral rites and performed other functions; but how this came about is explained by Prior Bruneiii with these words: 'Note that the functions in the death of the late Mr. Lorenzo Sabatini, formerly Prior, were carried out by me, and of my own free will, by Mr. Provisor Giustini and the Reverend Giovanni Celi, not for any other reason than to teach them a practice of those proprieties that can and should be observed in such circumstances between parish priest and parish priest; between church and church.'" 4. In March of 1848, it was necessary to bring the body of the archpriest of the Cathedral of Montisalti, known as Angelini, to the church of the Minor Friars in Montisdenovem, in order that he might be buried there. The question arose as to whether the association belonged to the Provisor of Saint Lawrence, who regarded Angelini as an outsider; or to the Prior of Saint Mary, who considered him to be his own former parishioner. The Vicar General of Montisalti replied that the matter should be handled by the Provisor of Saint Lawrence. "R. This fact cannot be called into question. It should be noted that Provisor Agasucci, following the custom of some of his prede-

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cessors, reports the words of the Vicar that favor him, and omits those that might be detrimental. Although the Vicar affirms that he has been given the association to oversee, he begins his letter with these words: 'Although the doubt that Your Excellency proposes to me to resolve requires some time to mature a reasonable solution, and such that it does not allow room for just complaints; nevertheless, in the necessity of deciding the question immediately, as the urgency demands, I am of the opinion that the association of the body of the deceased archpriest Angelini belongs to..."

[*Latin ed. p. 746*]

746 From the parish priest of St. Lawrence, concerning the General Council: It is evident that the matter was concluded not by judgment, but rather by the opinion of the Vicar. 5. The Prefect Agasucci attributed great significance to the marriage that took place on May 6, 1690, between Francis of Erei, from the parish of St. Mary, and Agnes Paris, niece of the Prior of this church, because the Prefect Francis Diofebi himself officiated at the ceremony, and with his permission, the blessing was imparted by the aforementioned parish priest, the Prior. "R. A similar event was brought to light in the year 1767 by the Prefect Giustini, in order to demonstrate that the persons under his jurisdiction were members of the Prior's family. However, the Prior of St. Mary, Gaspar Brunelli, maintained that this had no weight, both because it was a single instance, and also because it is not certain that the bride, Agnes, resided in the same house with her parish priest uncle. "Indeed, when the description of that marriage was completed, with every detail remembered, it would certainly have been omitted, especially if it were favorable to the Prefect, the circumstance of the bride's cohabitation in the parish house of St. Mary, if that were the case. Hence, everything is explained by her residence outside the Prior's house; for from this, the bride was subject to the parish of St. Lawrence. "On the other hand, there are two events favored by the Prior, which are of greater importance in every respect. The first concerns the marriage of Clement Zocchi with Mary-Anna Mancini, niece of the Prior Andrea Lotti, to which the latter attended on October 13, 1831; the second refers to the marriage of the Prior's niece, Settembri, to which he attended on January 17, 1870. Both Priors declare that the brides resided in the parish house of St. Mary. What, then, did the Prefect of St. Lawrence do? He did not object to the first event; he protested against the second, declaring on the very day that the marriage was celebrated, in his marriage book, that he patiently endured the offense to the law, lest scandal arise from his complaint, and therefore he indicated that the matter would be addressed at an opportune time. But there is nothing more inept than this course of action! For if the Prior's niece belonged to

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the parish of St. Lawrence, then the Prefect should have taken care...

[*Latin ed. p. 747*]

MONTIS ALTI 1 747: As marriage, in itself, was not immediately validated, nor was the subsequent complaint made by the Prior, which was recorded in the parochial books, rational, but rather absurd. "Furthermore, it should be noted that the Prior of Bruneii, in the dispute he had with the Prefect Giustini, objected, from the year 1691, when the records of souls began to be kept in the parish of St. Lawrence, until the year 1763, when the question arose, that the persons who lived with the Prior of St. Mary in the parochial house were never found to be listed in said records; from which it could be concluded that the Prefects of that time recognized them as belonging to the parish of St. Mary of Cellis." "Other documents could be presented from both sides, as indeed they are; but since they are of lesser importance, and to avoid being too lengthy, I consider it better to omit them." "Instead, I will mention something about the sacred functions so that the nature of the territory of each parish may be better understood." "It was customary for each parish priest to successively visit and bless the houses of each parish during the Paschal season. Later, this custom fell into disuse; but the custom of assisting at processions, which are held in one or the other church, continues. Each parish priest is required to perform these duties at certain times, so that they are divided between them in such a way that the Prefect, for example, performs the first and third Rogation processions, and the Prior the second. The Prefect performs the procession on the feast of Corpus Christi, and the Prior the other procession during the octave, without any question of territory. Both proceed with a stole and follow the parochial cross, from which the procession begins." "Therefore, the entire dispute concerns the recently instituted visitation of the cemetery by the Prefect, who, while using a single sodality that is held in Montedenovem, and which, although it includes members of both parishes, belongs to the church of St. Mary, excludes the Prior from it, and also prevents him from performing the same duty himself." "For this reason, setting aside the question of territory, in chapter 2,..."

[*Latin ed. p. 748*]

Furthermore, We decree that the Prior may also visit the cemetery in procession, so that he may celebrate the funeral rites there; for it does not seem just that he should not be able, like any other parish priest, to assist, through public prayers, the deceased of his parish; nor is it tolerable that he should not be able, with his confraternity, to enter the cemetery, while the same Prior uses it, both in this and in other processions. Now, I, from my office, will address this matter, which is certainly not easy and not without complexity. I will explain each doubt individually, in a judicial sentence, proposed and resolved.

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I. The doubt asks: "Does the parochial primacy pertain to the parish priest of St. Lawrence, or to that of St. Mary of the Cells?" To resolve this doubt, and others, it is most important to keep before our eyes the jurisprudence of the Holy Sacred Council, in Boiano. The question of parochial rights and privileges was debated on May 24, 1732, a matter not very dissimilar from the present controversy. Indeed, in the town of Campobasso, there were then nearly five thousand inhabitants and four parish churches, not yet distinct by material buildings, but formally constituted by certain designated families residing there. Among these four churches, the Archpriest of the Church of St. Mary Major began to claim primacy for himself and to vindicate certain rights over the others; hence arose disputes, to resolve which twenty-one doubts were proposed to the Holy Sacred Council.

II. The second doubt was: "Does the Archpriestal Church of St. Mary Major have a maternal relationship, and consequently, a filial relationship of the Rectoral Churches in this case?" Indeed, because it was found in the facts that there was no certain document, and no argument was presented, regarding the subsequent division, which in this case was almost to be considered an absurd thing, since it was not about parishes with distinct territories, but by families, it was decided that there was no maternal relationship. However, because certain arguments were presented that supported an improper maternal or superior relationship, it was decided regarding the second doubt: "There is a superior relationship, but not a maternal one." In the case of the Holy Sacred Council.

[*Latin ed. p. 749*]

In Montisalti, 749, it does not seem that any greater authority should be assigned to the Rector of St. Lawrence than to the Prior of St. Mary; because, in itself, the title of Rector confers or signifies almost no greater dignity than the title of Prior. Furthermore, even considering the time at which the titles were conferred, the greater authority cannot be denied, because the parish priest of St. Lawrence was honored with the title of Rector when the Rector of the Church of St. Mary, although a religious, was already a Prior. However, in secularized churches, the nature of the benefices and the hierarchical order are not altered, and each parish church retains the same degree of independence or immunity from the other, the more different their nature, one being territorial, the other familial.

Secondly, it is asked: "In what sense should the jurisdiction exercised by each parish priest in the same territory of Montidenovem be understood?" Indeed, this question is more doctrinal than practically juridical, as it does not contain a specific dispute of fact or law. Therefore, it is more appropriate, following the style of the Sacred Congregation of Councils, to consider Doubt III, expressed as follows: "To which parish priest should those be subject who live in common in the parish house with the Prior of St. Mary?"

In resolving such a question, certain rules of common law must be stated,

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which govern such controversies. Indeed, as Ursaya widely states in volume VIII, part 2, discussion 24, parish churches, with regard to the exercise of jurisdiction, are not distinguished from other churches that are distinguished by territory, except because these parish churches exercise jurisdiction over individual subjects by reason of their domicile or quasi-domicile, or even their residence (if we are speaking of vagrants), while parish churches have subjects who are born immediately within their families, and therefore, a parish church has as many subjects as there are members of its families.

In the aforementioned Boiano, Doubt VIII was raised: "Can those from outside who marry into the families of Rectors choose a godparent from the family of the wife for the future administration of the sacraments, to the exclusion of the Archpriest in this case?" Doubt IX: "Can..."

[*Latin ed. p. 750*]

750 FROM THE SACRED COUNCIL: Those who, whether from without or from another parish, serve in the city among the families of the Rectory, are to be considered as belonging to those same families, so that they may be subject, for the administration of the Sacraments of the Church, to the Rectory family, privately, concerning the Archpriest, in the case mentioned; and a rescript was issued to the eighth and tenth [persons]: "Affirmatively." In Scarfantonium, ad Ceccoperium, Vol. III, add. XXXIX, n. 59, these observations are made concerning these rescripts: "Indeed, it is well known in law that each person can always and at any time, at their own discretion, change their residence and parish, whenever we speak of parishes defined by material houses within the diocese, according to what is handed down by the Gloss and the Doctors in chapter 'Significavit, De paroch. et alien, parochian.' Therefore, it is all the more certain that they can choose it from the beginning, even if we speak of parishes defined only by families, so that in the reception of the Sacraments, the freedom of each person is in all respects preserved, as is well noted in the terms in the first chapter - De parochiis - there: 'If, however, there should be a place belonging to him to whom the people have chosen, - well, Ancharan, in d. cap. primo n. 6, there - Note that the people are given the right to choose one of two bishops... For it is in their interest to have a good shepherd, lest they suffer hunger and thirst.' - However, in the case where outsiders are joined in marriage with women of the city, as happens through the affinity they contract with their wives, they become one flesh with them, and in a certain way, they are added to their families, so it seems reasonable to establish that, with respect to the Sacraments, they also remain subject to the parish to which the wife is subject... But the parishioner of the servants is the parishioner of the Lord to whom they serve, as Fagnanus affirms in chapter 'Significavit' n. 31, De parochiis, and this is all the more so, in our hypothesis, in which the parishes are not defined by material houses, but by formal families, in

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which terms, since all those who come under the name of family must be subject to the parish to which the family belongs, it undoubtedly follows that the servants and female servants, actually devoted to the service, must also be subject to the parishes of their Lords, because..."

[*Latin ed. p. 751*]

"MOXTISALTI 751, by law, in this matter, are included under the name of the family of the lords." Indeed, the controversy that arose in Boiano differs somewhat from ours, because there the question was whether those who live with the parish priest of Saint Mary, whether by reason of relationship, affinity, or consanguinity, or who are servants, are subject to the jurisdiction of the parish priest. However, the principles that have been explained above readily provide an answer to this question as well. For, as we have said, it is fitting for the faithful to be included in the jurisdiction of the parish priest of their nationality, since someone living in a territory where both the nationality and the territorial jurisdiction are in force can belong to one or the other parish. This was defined in express terms by the Sacred Congregation of Rites in Macerata, in the *Iura Parochialia*, on May 15, 1778; concerning the doubts: I. "Whether it is permissible for the parish priest of Saint Andrew of the Mountain to assign to his parish foreign and transient families"; and, to the extent that it is negative: II. "Whether the assignment of said families already made is valid in this case," the Sacred Congregation responded: To I. "Affirmatively, and moreover." To II. "According to what is provided in the first." But once the choice has been made, no one, at his own discretion, can assign himself to another parish, and thus undermine ecclesiastical discipline. Furthermore, in the same *Macerata*, in point III. "Whether those who, having once recognized a parish, whether by fulfilling the Easter precept or by declaring themselves to be of that parish in the register of souls, or by proclaiming themselves in the presence of a parish priest, can change their first parish," the response was: "Negatively, and moreover." This decree, moreover, teaches us that one can be assigned to a parish either tacitly or expressly; if, that is, he is to be considered as having chosen a certain parish whenever he habitually submits himself to the ministry of that parish priest, even if he does not openly acknowledge such a choice. The same was decided by the Sacred Congregation of Rites in Cingoli, in the *Iura Parochialia*, on July 12, 1823. With these legal precedents established, it clearly follows that the Prior of Saint Mary plainly has the right to assign to his parish...

[*Latin ed. p. 752*]

752 FROM THE COUNCIL OF TRENT: The parish includes those who are part of its family, whether they have requested enrollment tacitly or expressly, as we have observed, and have obtained it. — Conversely, those who belong to a family that formerly belonged to the jurisdiction of an-

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other parish, and who enter the house of the aforementioned parish, or establish a family there in one way or another, are clearly considered and presumed to have left their former church and to have joined the other, if they perform and receive there what pertains to the offices and rights of parishioners. Indeed, the general rule, as taught by Fagnanus in chapter "De parochiis," as he states there, number 3: "Just as the establishment of a domicile is voluntary, so too is its extinction and change." These things which we have just mentioned are also sufficient to resolve the fourth doubt: "To which parish does the association of the body of a deceased person belong, who dies outside the boundaries of Montdenovem, if it is brought to the cemetery of this place?" For if someone dies outside the boundaries, and the jurisdiction does not belong to another parish, then, according to the principles of common law, the association belongs to the parish to which the deceased belonged, whether by birth or by territory. But if someone is brought to the aforementioned cemetery by choice, then the elected parish priest will exercise his rights according to the norms of common law. Finally, concerning the fifth doubt: "Who has the right to distribute the Blessed Sacrament and to perform other functions in the Church of Saint Thomas in Canterbury outside the walls?" it is not possible to discuss this, because it is a question of fact; and from the documents presented, the doubt is not resolved. I say it is a question of fact, because it may pertain to one parish or the other, because neither one nor the other, by virtue of their jurisdiction, can claim a certain right to that same church. In the doubt, however, the condition of the possessor is better, and because of the ancient institution of both parishes, custom is certainly the best interpreter of laws and rights. — Therefore, in the aforementioned Baionen, when the last place is mentioned, in the twenty-first doubt: "Whether the procurator of the college to whom it pertains has the right to demand the ringing of the first bell of the parish church of Saint George's in..."

[*Latin ed. p. 753*]

In MONTISALTI, number 753, it must be stipulated for all processions and funerals throughout the entire town that this provision, either by itself or with the permission of the Archpriest, applies in this case. The response was: "The customary practice must be observed, and furthermore, in all cases." No other rule is to be applied in determining which voluntary functions can be performed by the parish priest, following the solemn supplications through the streets of the parish of Saint Lawrence, provided that a legitimate custom is observed. – The cemetery, which does not appear to be free from controversy, should be considered as belonging to both parishes, both for the burial of the faithful and for the functions properly performed there by the parish priests. With these points noted, the following proposal was put forward to clarify the doubt: "Whether the decree of June 1, 1899, should be confirmed or annulled in this case." On December 14, 1901, a re-

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sponse was issued: "Delayed, and with consideration." The Bishop communicated his thoughts to the aforementioned, namely "that Your Eminence should, with all diligence and effort, ensure that the aforementioned parish priests proceed peacefully, with friendly indulgence and Christian charity, setting an example for the faithful, and resolve any questions that may arise, without prejudice to any rights. If this cannot be achieved, it is necessary to consider whether other documents can be obtained, or other actions taken, which may better clarify the matter, because those presented do not seem sufficient to describe and determine the rights of either parish priest." The Bishop immediately gave instructions and received, in letters dated February 3, 1902, the responses from the parties involved. The lawyer who represents the Prefect of Saint Lawrence, pointed out that it is necessary to define the question which cannot remain pending until the parish of Saint Mary is extinguished, which still numbers 56 faithful. Furthermore, he stated that no further documents should be requested, citing *Acta Ecclesiae*, Volume CXXIV, page CD VIII, number 48.

[*Latin ed. p. 754*]

754 From the decree of the Council concerning the distinction between a parish based on lineage and a territorial parish of Saint Lawrence, the Ordinary explicitly stated: "That the Prior of Saint Mary's has families subject to him, which are designated by a specific lineage name; the Rector of Saint Lawrence has all the others, whatever their name may be. The Prior follows his families within the territory; the Rector follows within the territory. He increases his flock if families of the same name multiply; this one also increases with the arrival of each person or family that chooses Montisdenovem as their home." From this, the advocate argues that, considering its particular condition, the parish of Saint Mary's only counts the designated families under its jurisdiction, and that these families have never changed over time. And in this, the advocate continues, lies the crux of the matter, namely that the entire territory of Montisdenovem belongs exclusively to the church of Saint Lawrence: so that whether we are speaking of inhabitants not belonging to a specific lineage, or of outsiders who enter Montisdenovem, all, by the very fact that they are found within the territory, are legally subject to the Rector. While, on the one hand, the Bishop clearly states that the Prior can never increase his flock except through the multiplication of families of the same designated name, on the other hand, the very legal reasoning suggests the same, considering the particular condition in which the parish of Saint Mary's finds itself. If the Prior were to claim that he has gained an outside family, other than those anciently designated, it would certainly be his burden to prove it. The advocate notes that invoking the right of jurisdiction, granted by law to parishes based on lineage, is entirely irrelevant in our case. This is only verified in those parishes based on lineage that are not found within the

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territory of another, but when they exist in places where all parishes are based on lineage, the entire territory is common to all; and therefore, an outsider entering that territory is not legally considered to belong to one parish rather than another. Furthermore, the advocate continues, the very origin of the parish of Saint Mary's and its subsequent practice undoubtedly confirm its nature. For, the advocate recalls, there has always been, from time immemorial, in the town of Montisdenovem, a...

[*Latin ed. p. 755*]

MONTISALTI 755 pertains to the territorial jurisdiction within the church of St. Lawrence. Furthermore, a monastery of religious was located in the church of St. Mary, which was therefore regular, and constituted a certain parish exempt for the families of the monks in their possessions scattered about. It happened that this monastery was suppressed by Urban VIII in the year 1629, while the Prior was still living, a regular priest for said families, as the Bishop himself reports, and the church of St. Mary was secularized. Hence, that Prior, at that time a certain Peter Angelini, was found among the possessions of those families, belonging to the religious, and certainly he could not be deprived of such jurisdiction without injustice. Therefore, it happened that those families then existing remained under the jurisdiction of Prior D. Peter Angelini even in the secular state; and it seems that this was also the case for a subsequent period, as long as those designated families existed. Indeed, from that time until now, it has always been the practice that the jurisdiction of the Prior of St. Mary was limited to those specific families, and that no other family was ever added to that parish. It is customary, according to established canon laws, that the Prior follows his faithful people wherever they may be, even in the Praepositural house; likewise, the Praepositus exercises his jurisdiction even in the Prior's house, if he finds there faithful people not of the lay class. Similarly, there are houses in Montedenove in which both the Prior and the Praepositus find their faithful, and therefore exercise their jurisdiction in the same house. But, it is objected, that the two Priors celebrated marriages: one, in the year 1831, between Clement Zocchi and Mary-Anne Mancini, niece of Prior Andrea Lotti, and living with him; the other, in the year 1870, between the doctor Francis Giovannini and Philomena Settembri, niece of the brother of Prior Felix Settembri, and also living with him. Regarding this matter, in these cases the Prior exercised jurisdiction over those living with him, either tacitly or expressly having attached them to his own parish.

[*Latin ed. p. 756*]

756 From the decrees of the Council it is said; and from this, it is concluded that the prior has the right of jurisdiction. The patron replies that the fact of the marriage celebration is true. However, it is also an undeni-

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able fact, according to the advocate, that the families now subject to the prior are: Onori, Lapidi, Guerra, Guerrucci, Giacinti, Angelini, Merla, and that all of them originate from ancient families, and that there is not one that has been newly added to the parish of Saint Mary in a subsequent time, namely, neither the family Zocchi nor the family Giovannini, which certainly would have happened if the priors, when celebrating these marriages, had added those faithful to their jurisdiction. Furthermore, concerning a more recent marriage celebrated in the year 1870, the advocate states that it is certain that the family descended from the doctor Francis Giovannini has, from the beginning, belonged and now belongs to the parish of Saint Lawrence: for it is there that the aforementioned Francis baptized his only son, Joseph. However, the patron believes that the following testimony of the Lady Philumena removes all difficulty: "I, Filomena Settembri, widow Giovannini, for the pure truth, certify in the presence of the undersigned witnesses: 1.° That I was born in the commune, and at the age of approximately 8 years, I went to my uncle, the Reverend Father Felice Settembri, prior of Saint Mary of Cellis in Montedinove, and lived with him in the priory house until the age of 35. In that thirty-fifth year of my life, I married Doctor Francis Giovannini. My uncle was not initially favorable to the negotiations; but in the end, he gave his consent, saying: 'I do not want this to be known, neither by relatives nor by friends; I will obtain the permission from the Bishop to marry you, and no one will know anything.' Everything was accomplished in eight days. After being united in marriage by my uncle, I continued to stay in his house for about a month, and during the day I stayed with my uncle, and at night with my husband, and this was to keep it secret. By a single fortunate chance, it was discovered, and from that time on, I lived always with my husband. 2.° That Divine Providence granted me only one child, and my husband desired that my uncle act as godfather, and he consented. The Most Reverend Father Ber-"

[*Latin ed. p. 757*]

MONTISALTI 757, near Nardo. Proposto Pasqualini requested that my uncle perform the Baptism, and thus the desire of myself and my husband was fulfilled. In confirmation of the above, I sign this document with my own hand, ready to confirm it even with an oath." The advocate, however, believes that those words – "I will receive Holy Orders from the Bishop" – signify that the Bishop had delegated authority. Finally, the procurator recalls a recent event, which occurred under the present Prior, Dom William Monaldi. His brother, Francis Monaldi, while engaged in his studies, used to spend the ordinary holidays in the Prior's house, together with his brother, a priest; and after completing his studies, from the year 1892 until February 7, 1896, he permanently chose that same house as his residence. However, in the aforementioned year 1896, on January 23, together with his brother, the Prior who was still residing

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there, Dom Francis Monaldi took a wife; nevertheless, this marriage was not celebrated by the Prior, but by the Proposto, as was proper, and all the children, whether baptized or buried, were in the church of St. Lawrence. On the other hand, these things seem to me to be noteworthy: the Bishop, on one hand, admits that no new documents are presented; and the procurator insists on new allegations in order that all right to assign new parishioners be denied to the parish priest. Indeed, in the official observations, it has been deemed necessary to recognize that the right of assignment, with regard to those co-opted into his family, belongs to the parish priest of St. Mary. For some facts remain in the records which do not seem to admit of any other legal explanation. – Facts. The judge asserts in the disputed decree: "And this is so true that, on occasion, the Prior of St. Mary has presided at the marriages of his relatives, while the Proposto of St. Lawrence has objected to their validity, which certainly could not and should not have happened, lest Christian marriage be converted into the most shameful form of fornication." Furthermore, in the letters given by the same judge in the declaration of his decree and recorded on the page of the previous action, the following is noted in the facts: "Contra-favorable..."

[*Latin ed. p. 758*]

758 From the records of the former General Council, two matters of greater importance are noted, with no exception. The first concerns the marriage of Clement Zocchi to Mary-Anna Mancini, niece of the Prior, Andrea Zotti, to whom he was present on October 13, 1831; the second relates to the marriage of the niece of the Prior, Settembri, to whom he was present on January 17, 1870. Both Priors declare that the betrothed resided in the parochial house of Saint Mary. What, then, did the Prefect of Saint Lawrence do? He did not object to the first matter; he protested against the second, declaring on the very day that the marriage was celebrated in his marriage book that he patiently endured the offense to the law, so that no scandal might arise from his complaint, and therefore he noted the matter so that it might be vindicated at the opportune time. But there is nothing more inept than this course of action! For either the niece of the Prior belonged to the parish of Saint Lawrence, and in that case the Prefect should have taken care to ensure that the marriage was duly validated within his jurisdiction, or she did not belong to that parish, and in that case his complaint, made secretly in the parochial books, is not only irrational but ridiculous. — This is what the Ordinary states regarding the matter itself, and then, in the first place, it must be noted that the testimony of the widow Settembri has no value, because if those words – "I will follow the order of the Bishop" – had meant that the Bishop had granted a delegation, then not only would there have been no place for the Prefect's complaint, but the law would have been confirmed. Therefore, the

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permission or authorization requested from the Bishop was necessary in order to celebrate the marriage secretly or without proclamations or banns. Consequently, the question remains in the same state as in the other case, but these facts, which are historically certain, must be explained legally. — Indeed, from these facts, two consequences follow. First, the Prior of Saint Mary enjoys possession, and because the condition of the one in possession is preferable in cases of doubt, it is not permissible to remove him from this possession until the Prefect has successfully proven his right. But this possession pertains only to those who are domestic servants or who are part of the Prior's family, and to those who maintain a stable residence in his parochial house; and also to those...

[*Latin ed. p. 759*]

MONTSALTI 759, who are part of a family by reason of service. — This limitation applies to servants or family members, and makes the solution of this matter easier. For, consequently, families, which are part of a parish, are not increased in number, since the parish priest is assigned to the jurisdiction of the parish priest for a time, or until the parish priest holds that parish, just as servants, for a time, are subject to the civil jurisdiction of the parish priest, as long as they are part of a family subject to the parish priest. The Prior, the opponent, replies that, by no law, this right has been granted to the Prior, because it is not alien to the right that the Prior has subjects who are the family members of the Prior residing in his house. — And we can concede this, but no argument is given against the fact. — Namely, because even the Priors themselves, who have celebrated marriages in their own houses, must admit that they have acquired the parochial jurisdiction over their own, either by prescription or by concession. And this is readily admitted by the Ordinary of the Diocese, although we cannot prove the legal reason presented by him; namely, that the parochial house is exempt from territorial jurisdiction, if it were necessary to confirm this assertion with proofs; and from this it would follow that all those who inhabit this house are subject to the Prior, as if by title of lease and tenancy, which, however, cannot be proven in any way from the documents. Finally, with regard to the arguments presented to the contrary, it is sufficient to note that nothing proves the conduct of the Prior in the family of Francis Monaldi, brother of the present Prior, who married a certain Matricardi, who was subject to the jurisdiction of the Prior, and the Syndic of the place testifies about Francis Monaldi: "from the year 1896 to the present day, he has been part of and has lived with the family of Matricardi Anthony, son of Lorenzo." However, on the contrary, it could be noted that the Prior's jurisdiction over his own family has always been subject to some doubt, and therefore it is not permissible for the Prior to exercise this jurisdiction in matters of

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the most serious importance, such as the celebration of marriages. But, pre-

[*Latin ed. p. 760*]

760 FROM THE HOLY GENERAL COUNCIL, concerning which, if a solemn response is received from the Holy Congregation of the Council, assigning this jurisdiction to the Prior, all doubt is dispelled; furthermore, the Most Eminent and Reverend Fathers will decide whether it is fitting, either for each individual case or in general, to grant – as a precaution – a delegation. Having considered these matters, it was determined on April 26, 1902, to resolve the doubt: "Whether the decree of June 5, 1899, should be confirmed or annulled in this case." RESOLUTION. The Holy Office, after deliberation on April 26, 1902, decided to respond: Affirmatively, in this manner: "Let it be observed as usual." Regarding II: Nothing was proposed. Regarding III: To the Prior of Saint Mary, and in their opinion, those who reside in the house with the Prior of Saint Lawrence are exempt from the jurisdiction of the Prior of Saint Mary. Regarding IV: To the parish priest to whom the deceased person was subject. Regarding V: To the sacristan; and with regard to the parish priests, the general decree of the Holy Congregation of Rites of the City and the World of 1703 should be observed. FROM THE HOLY CONGREGATION OF RITES OF NEWARK. A doubt concerning the use of gas lighting in addition to candles made of wax. It has been customary in the Diocese of Newark that gas lights be used above the altars, together with candles made of wax, in order to obtain greater brightness. The current Bishop of Newark, still doubting whether this is permissible, inquired of the Holy Congregation of Rites: "Whether, in addition to the candles made of wax, it is permissible to have gas lighting above the altar, or whether the aforementioned custom should be prohibited?"

[*Latin ed. p. 761*]

From the Sacred Congregation of Rites, 761. The Sacred Congregation itself, upon the report of the undersigned Secretary, has decided as follows: Negatively, regarding the first part; affirmatively, regarding the second. And thus it declared and responded. On March 8, 1879. D. CARDINAL BARTOLINI, Prefect. L. S. PLACIDUS RALLI, Secretary. This is found in the Acts and Records of the Secretariat of the Sacred Congregation of Rites. In witness whereof, etc. From the same Secretariat. On May 16, 1902. For the Reverend Father Diomede Panici, Archbishop of Laodicea, Secretary. L. S. PHILIPPUS DI FAVA, Substitute. Regarding the matter of electric lighting. The Most Reverend Thomas Heslin, Bishop of Natcheten, humbly requested a declaration from the Sacred Congregation of Rites concerning the following doubt: Whereas the Sacred Congregation of Rites, in a decree of March 8, 1879, forbade the use of gas lighting, along with candles placed above the altar, considering it contrary to reason and, under the same circumstances, can electric lighting also be prohibited? And the Sacred Con-

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gregation itself, with the reference of the undersigned Secretary, and after hearing the opinion of the Liturgical Commission, has decided as follows: Affirmatively, in accordance with the decrees of March 8, 1879, and June 4, 1895. And thus it declared and responded. On May 16, 1902. D. CARDINAL FERRATA, Prefect of the Sacred Congregation. L. S. D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 762*]

762 FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION: Declaration concerning the Bull of the Cross with regard to Regulars and Priests in Spain. By Decree of the Sacred Roman and Universal Inquisition, dated March 7, 1891, it was resolved that: "Regulars of both sexes, except those who are bound by a special vow, may, by virtue of the Bull of the Cross, eat meat, eggs, and dairy products, with or without other food, during fasts, including Lent. For Regulars living within the cloister, whether they are priests, or laics, or monks, the Bull of the Cross and a small portion of meat are sufficient, unless they are of the Order of the Friars Minor of Saint Francis, who possess nothing, for whom the Bull of the Cross is sufficient." However, when the aforementioned Decree was interpreted differently, the Most Eminent Archbishop of Toledo requested an authentic interpretation from the Holy Office, and obtained the following letter: "Most Eminent Lord, I, Your Most Observant Servant, having been summoned by the prayers of Your Eminence, signed on October 19 of the past year, to examine the following question: Whether Regulars living within the cloister, even by virtue of the Bull of the Cross alone, may eat eggs and dairy products during the fasts of Lent, not excluding the Greater Week, the Most Eminent Cardinals, as Inquisitors General, decreed: Affirmative, except for Priests who, like secular and regular priests living outside the cloister, having the indulgence of dairy products, must abstain from eggs and dairy products throughout the entire Greater Week; and it is the intention that Superiors, and Regular laics and monks living within the cloister, should, during the Greater Week, observe a fast as do Priests, although not under obligation. While I convey this information to Your Eminence for the purpose of my office, I humbly kiss Your hand. Rome, January 31, 1901. Your Most Eminent and Observant Servant, truly, L. M. CARD. PAROCCHI."

[*Latin ed. p. 763*]

763 SUMMARY OF ACTIONS CONTAINED IN THIS VOLUME XXXIV: LETTERS AND ACTS OF THE HOLY FATHER. Apostolic Letters of the Most Holy Pope Leo XIII concerning the consecration of the new Temple of the Most Holy Virgin Mary of the Holy Rosary at the town of Lourdes in Gallus, in the month of October, 1901, page 193. Apostolic Letters of the Most Holy Pope Leo XIII, by which the chapter of the Collegiate Church of

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Saint Jerome of Illyria is dissolved, and the Hieronymian College is established in the City, 196. Letters of the Most Holy Pope Leo XIII concerning the founding of a seminary for clerics in Athens, 257. Letters of the Most Holy Pope Leo XIII to the Ordinaries of Bohemia and Moravia concerning the question of languages, 321. Apostolic Letter of the Most Holy Lord Pope Leo, by divine providence Leo XIII, to all the Patriarchs, Primates, Archbishops, and Bishops of the Catholic world, 513. By his own motion, the Most Holy Pope Leo XIII; by which all power and authority to draw up any and all acts pertaining to the Vicariate of the City is revoked from all Notaries of the Vicariate of the City, 533. Letters of the Most Holy Pope Leo XIII to the Most Reverend James Gibbons, Archbishop of Baltimore, and other Ordinaries of the United States of America, so that he might express to them how greatly he was gladdened by the letters they had written to him, 623. Letters from all the prelates of North America to the Most Holy Father Leo XIII, on the occasion of the beginning of the twenty-fifth year of the pontificate of the same Pope, 625. Encyclical Letter of the Most Holy Pope Leo XIII, concerning the Most Holy Eucharist, 641. FROM THE HOLY COUNCIL OF Oveteto: Indulgences are granted from choral service; it is decreed that the customary practice is not to be maintained, whereby a Canon is excused from being present in the choir on the day he gives the sacred sermon, nor also for the seven days preceding. . . . 3 Baren, precedence; it is decreed to whom the precedence belongs between two sodalities which for a long time have been contending for this right by law, 13. Ruben, pious legations; it is discussed the manner and form of making a request to select young men who are to be called to enjoy a pious legation, 84.

[*Latin ed. p. 764*]

764 SUMMA ACTORUM Theanen. Of the conventual Mass; it is decided that the Dean ought to apply, for the benefit of benefactors in general, the Mass which he himself celebrates on more solemn days. . . . 100 Pitilianen. Concerning a marriage dispensation; a dispensation is granted from a marriage that is valid but not consummated, after twenty-five years from the celebration of the marriage. . . . 111 Valentinen, concerning the nullity of a marriage; the sentence is confirmed by which it was declared that there is nothing to prove the nullity of the marriage. . . . . 129 Versalien, or Parisiensis, concerning the nullity of a marriage; it is decided that it is not sufficiently proven that the marriage is null. 151 Urgellen, concerning the choral service; a question arises regarding the customs to be observed in the choral service. 168 Maceraten. Concerning those deputed to the Seminary; concerning the custom by which the Canons of the Cathedral have always had a part in the election of the deputy to the Seminary, who belongs to the clergy. 180 Parisiensis, concerning the nullity of a marriage; the sentence of the Court of Paris, which had stood in favor of the validity of the

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marriage, is confirmed. 202 Ânagnina, concerning burdens; it is inquired whether the capitular indults obligate one to perform the service at the altar through a substitute. 220 Petrocoricen. Concerning a marriage dispensation; a dispensation is granted concerning a marriage that is valid but not consummated. 234 Nolana, concerning pious legacies; it is discussed about the quantity of land to be left, to be given for the Church, for its support. . . . 242 Ianuen, concerning the translation of a collegiate church; it is held that, by the translation of the collegiate church, the burdens incumbent upon it were also transferred. 266 Massilien, concerning a marriage dispensation; the response was that, from what has been presented, it is not sufficiently proven that the marriage was consummated. . . . 273 Lisbonen. Concerning a custom in liturgical matters; after a long discussion, the response was: the common law, the rubrics, and the decrees of the Holy Congregation of Rites are to be observed. 289 Tornacen. Concerning a marriage dispensation; a dispensation is granted for a marriage that is valid, but not consummated. 324 Arianen, and Surrentina, concerning pensions; it is decreed by the Bishop that a pension is to be paid, which he had previously considered to no longer be owed. 334 Bellicen. Concerning a marriage dispensation; after the healing of previous actions, a dispensation for the marriage is granted. 338 Nolana, concerning the annual payment; the question is about the annual payments. 352 Mechlinien, concerning the nullity of a marriage; it is decreed that, from what has been presented, it is not sufficiently proven that the marriage is null. 356 Ianuen, concerning a pension; it concerns a pension about which it is doubted whether it is to be paid. 385 Parisiensis, concerning the nullity of a marriage; it is declared that it is proven that the marriage is.

[*Latin ed. p. 765*]

In summary, concerning the nullity from chapter 482 of the Lisbonense concerning clandestine marriages; a summary of questions which were submitted to the judgment of the Holy Congregation of the Council on December 14, 1901.

507 Indult: To the Bishops of Latin America, the faculty is granted to confer parishes and canonries without the concurrence of [others].

629 Parisien: Concerning the nullity of marriage; no marriage is declared null due to the lack of domicile, or of the proper parish priest.

660 Montisalti: Concerning parochial rights; when two parishes exist in a certain town, one under the title of a Priory, the other under the title of a Praepositature, and they are not distinct by reason of territory, frequent and serious litigations of difficult resolution have arisen.

725 FROM THE HOLY CONGREGATION OF THE SACRED ROMAN INQUISITION. A doubt concerning the wine to be used for the Mass.

256 Concerning the genuineness and preservation of the species of the

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Most Holy Eucharist, to be observed by the Reverend Local Ordinaries.

318 Doubts concerning water mixed with mercuric bichloride, to be used in the baptism of infants.

319 Decree by which it is declared that, under no title, and under no pretext, Superiors Regular are to know the causes of their subordinates in matters pertaining to the Holy Office.

383 Circular letters to the Ordinaries of Italy concerning the proposal of a law on divorce.

413 ACTS.

765 A doubt concerning the validity of the episcopal consecration, if the imposition of the Missal is made later.

419 The method by which documents are to be presented to the Apostolic See by the Local Ordinaries.

420 Declaration concerning the Bull Cruciatae concerning Regular Canons and priests in Spain.

762 FROM THE HOLY CONGREGATION FOR RITES. A doubt concerning the nona to be recited on the feasts of the three saints Pantaleon, Menna, and Spiridion, whose feasts have been reduced to the simple rite.

29 Doubts; doubts proposed by certain calendar editors.

30 Of the Order of Saint Benedict, the American Congregation of Monte Cassino; doubts proposed to be resolved by the moderator of the calendar of said Congregation.

32 Augustodunen: Concerning the beatification and canonization of the venerable Servant of God, Claudius de la Colombière.

188 Fodiana: Concerning the beatification of the venerable Servant of God, Sister Mary of the Celestial Rosary.

190, 432, 556, 691 Lauretana: Doubts concerning the conjunction of hymns, and concerning the doxology "Iesu tibi sit gloria."

245 Colimen: Various doubts.

246 Romana: A doubt concerning the Office of Saint Barnabas.

249 Vicentina: Various doubts.

252 Utinen: Doubts concerning anniversaries, etc.

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[*Latin ed. p. 766*]

766 SUMMARY. Acts, Tropes, various doubts.

311 Vicenza. A doubt concerning altars, of which the sepulchers are not properly arranged, etc.

313 A doubt. Whether the color white or violet should be used in the Mass of the vigil of the Immaculate Conception.

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318 Of the City and the World. Saint Joseph, spouse of the B. Virgin Mary, is declared Patron of the Catholic Church, and his feast is elevated to a double of the first class.

316 Of the Order of Minor Friars of Saint Francis, the Capuchins: To the father minister of the Order of the Capuchin Minor Friars, the faculty is granted to bless and to bestow the scapular of Saint Joseph, spouse of the B. Virgin Mary, and to delegate other priests for this purpose.

317 Vaivén and Sulmona. A doubt concerning women who walk among the confraternities, wearing sacks, and the clergy, singing hymns in the vernacular language.

375 Valley of Vidonis; a doubt concerning the votive Mass for the Sacred Heart of Jesus.

376 A doubt concerning the singing of the litanies of the B. Virgin Mary.

377 Plocen. A doubt; it is asked whether there should be sacred ministers who assist at the Mass with singing.

378 Brixen. Concerning the beatification of the venerable Servant of God, Bartholomew Capitanio.

378 Nonantola. Concerning the beatification of the venerable Servant of God, Mary Dionysia of the Incarnate Word.

381 Rome. The response of the liturgical commission concerning the particle of the decree general concerning semi-public oratories.

427 Of the Order of Minor Friars of Saint Francis, the Capuchins; a doubt concerning the use of the Ambrosian rite by a priest of the Roman rite.

427 Rome. A doubt concerning the genuflections to be made in the choir during Masses of the Feria of Advent.

553 A doubt concerning the apostolic indult for the Kingdom of Spain to use sacred vestments of the color blue, whenever, etc.

553 Decree of Laje. Confirmation of the cult rendered to the Servant of God, Eurosia.

684 Decree of Cochinchina. Tunquin. etc. Concerning the beatification of the venerable Servants of God, Stephen Theodore Cuénot and his companions.

685 Decree of Leodien. Confirmation of the cult rendered to the Servant of God, Eva.

686 Decree or Order of the Preachers. Concerning the beatification or declaration of the martyrdom of the venerable Servants of God, Jerome Hermosilla, Valentine Berris-Ochoa, Peter Almato, and Joseph Kang.

688 Newark. A doubt concerning the lighting of gas lamps together with candles made of wax.

760 Natcheten. A doubt concerning electric lighting.

761 FROM S. C. EP. AND REG. Oritana. Concerning the property rights;

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the sentence is confirmed by which the Order of the Brothers Minor, the Convent, and the Church of the town of Mangyalos were endowed.

24 A doubt concerning the petition for confirmation.

[*Latin ed. p. 767*]

SUMMARY concerning the law civil in Gallia by those Congregations which are not yet approved... 1 1 8 Fodiana or Troiana pension: this concerns the revision of a sentence issued by the Sacred Congregation of Bishops and Regular Canons regarding the burden of the tax to be paid by an Ordinary in favor of another Ordinary... 390 Regarding the re-election of the Superiors of Monasteries with solemn vows. 396 Concerning the exposition of the Blessed Sacrament and the funeral rites; the question concerns the chaplains of the sodalities and the parish priests of the city of Sora regarding the funeral rites to be performed, in the presence of the body, by the chaplains in the chapels of the public cemetery. 537 Signina or Congregation of the Passion of Our Lord Jesus Christ: a declaration is made that the Episcopal decree can be upheld, granting the faculty of retaining, as their own, *goods, legacies, after payment of the price, etc. . . 630 FROM THE SACRED CONGREGATION OF INDULGENCES. Decree concerning Guatemala; concerning the pious works of the members of the confraternity of the Blessed Virgin Mary of Mount Carmel in order to obtain the privilege of the Sabbath. 120 Decree of the City and the World, by which the Living Way of the Cross sodalities are approved. 121 Decree concerning the regular clergy who minister to the sick, requiring the consent of the Ordinary, in order to exercise the faculty of blessing crowns, crosses, etc., with the application of apostolic indulgences and those of St. Birgitta... 124 Decree of the Congregation of the Brothers of St. Vincent de Paul concerning prayers and pious exercises, with indulgences already granted, imposed for the purpose of fulfilling the sacramental penance. 125 Parisian Decree, by which it is declared that all sodalities, both those already established and those to be established, can enjoy indulgences by joining the Parisian Archsodality under the title of the Most Holy and Immaculate Heart of Mary for the conversion of sinners. 309 Summary of the indulgences granted by the Most Holy Fathers to the pious unions of the Most Holy Hearts of Jesus and Mary, established by the General Moderator of the Congregation of the Most Holy Hearts of Jesus and Mary. 548 Decree of the City and the World; by which certain indulgences are granted to the faithful who, either privately or publicly, pray during the month of June, in honor of the Most Holy Heart of Jesus. 683 FROM THE APOSTOLIC PENITENTIARY. Letters from the Most Reverend Archbishop of Taurinensis to the Major Penitentiary concerning the taxes to be paid for matrimonial dispensations. 126 Doubts concerning special privileges of the Jubilee. 186 Doubt as to whether Titus can and must fulfill a bequest for a pious cause,

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if the will is null.

[*Latin ed. p. 768*]

768 The *Summa Actorum* reveals a deficiency in some solemnities required by civil law.

384 A question arises: Whether, in order to gain a Jubilee, prayers must be repeated as many times as the obligations are fulfilled, accompanied by visitations.

421 A question regarding onanism.

423 A question: Whether an Ordinary can delegate to Curates, and not solely to proper Parish Priests, the faculties of the Holy Penitentiary.

424 A question regarding the validity of absolution due to a lack of jurisdiction.

512 A question regarding the manner of performing processions in order to gain a Jubilee.

638 From the Sacred Congregation for the Propagation of the Faith: The faculty of founding new monasteries is denied to Bishops without the permission of the Roman Pontiff.

639 Abuses to be avoided in the granting of dispensations concerning marriages.

640 From the Acts of the Consistory: Concerning the Consistory held on December 16, 1901: A red *Pileum* is given to three Cardinals.

654 From the Sacred Congregation for Extraordinary Affairs: Authentic declarations regarding doubts proposed by several Bishops of Latin America, concerning the interpretation of certain decrees of the Plenary Council of the same America.

398 Instruction of the Sacred Congregation for Extraordinary Ecclesiastical Affairs regarding Christian or democratic-Christian popular action in Italy.

401 From the Apostolic Chancery: Regulations concerning ordinary canonical causes for matrimonial dispensations, whether sufficient or joined, or singular, and others.

34 From the Secretariat of Briefs: Certain indulgences are granted to those who, on any day of the month of January, perform some act of devotion to the Most Holy Name of Jesus.

425 Concessions in favor of the pious association of Saint Boniface for priests.

634 A Brief, by which a plenary indulgence is granted to those who visit the churches of the Capuchin Fathers on certain days of the year.

636 A Brief, by which indulgences are granted in favor of the Scapular of the Sacred Hearts of Jesus and Mary.

IMPRIMATUR: Father Albert Lepidi, Order of the Most Holy Redeemer,

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Apostolic Palace.

IMPRIMATUR: Joseph Cepperelli, Archbishop of Myren, Vice-Chancellor.

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